

AMENDED IN SENATE JUNE 24, 2003

AMENDED IN ASSEMBLY MAY 29, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1747

Introduced by Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk)

March 11, 2003

An act relating to the Budget Act of 2003; to amend Section 11361 of the Government Code, to amend Sections 713, 714, 2536, 2540, 3031, 3031.2, 4654, 6596, 6596.1, 7145, 7147, 7149, 7149.05, 7149.2, 7149.8, 7360, 7360.1, 7361, 7363, 7380, 7852, 7881, 7921, 8032, 8033, 8033.2, 8033.5, 8034, 8035, 8036, 13005, 15101, and 15103 of, to amend the heading of Article 4 (commencing with Section 7360) of Chapter 2 of Part 2 of Division 6 of, to add Section 8039 to, and to repeal Sections 7149.1, 7149.15, 7362, 7852.21, 7852.3, and 7921.5 of, the Fish and Game Code, to amend Sections 2699.5, 2705, 2705.5, 2706, 2709.1, 3109, 3110, 3111, 3236.5, 3343, 3358, 3719, 3724.6, 3754.5, 3770, 3776, 5006.1, 5627, 6217, 34000, and 37022 of, and to add Sections 2200.5 and 5015.6 to, the Public Resources Code, to amend Sections 6307, 6308, and 6309 of, and to add Sections 79505.5, 79505.6, 79506.7, 79522, 79532, 79534, 79540.1, 79547, 79547.2, 79555, 79560.5, 79562.5, 79564.1, and 79590 to, and to add Chapter 10.5 (commencing with Section 79575) to Division 26.5 of, and to repeal Section 6308.5 of, the Water Code, relating to public resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as amended, Committee on Budget. ~~Budget Act of 2003~~
~~Public resources.~~

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

(1) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for hunting and fishing license, stamps, permits, and tags.

This bill would include other entitlements in that index.

(2) Existing law establishes fees for lifetime sportsman's licenses, guide registration and licenses, hunting licenses, lifetime hunting or sport fishing licenses, wild pig tags, sport fishing ocean enhancement stamps, commercial fishing ocean enhancement validations, sport fishing licenses, abalone report cards, steelhead trout catch report-restoration cards, commercial fishing licenses, commercial boat registrations, and commercial passenger fishing boat licenses.

This bill would establish a new base fee for all of those activities for 2004, and would require those fees to be adjusted annually thereafter according to the index described in (1).

(3) Existing law establishes a resident sport ocean fishing license upgrade stamp and validation. Existing law establishes a fee for an owner or operator of a vessel with a commercial fishing salmon stamp.

This bill would repeal those provisions.

(4) Existing law sets forth provisions relating to the taking of striped bass in a sport fishery. Those provisions are repealed as of January 1, 2004.

This bill would instead establish provisions relating to sport fishing in the San Francisco Bay and Delta, including prohibiting a person from sport fishing in the San Francisco Bay and Delta unless he or she first obtains a Bay-Delta sport fishing enhancement stamp and affixes that stamp to a valid sport fishing license. The bill would set a base fee for that stamp, which fee would be adjusted annually. The bill would provide that fees received for that stamp are to be deposited in a separate account in the Fish and Game Preservation Fund, and would require the Department of Fish and Game to use the funds in that account only for the purposes of the Bay-Delta Sport Fishing Enhancement Program, if that program is established by the Legislature. Those provisions would be repealed as of January 1, 2009.

Under existing law, violation of the Fish and Game Code is a misdemeanor. By changing the scope of a crime, the bill would impose a state-mandated local program.

(5) Existing law establishes fees for commercial fish business licenses, fish receiver's licenses, marine aquaria receiver's licenses, fisherman's retail licenses, fish processor's licenses, fish wholesaler's licenses, and fish importer's licenses.

This bill would increase the fees for those licenses.

(6) Under existing law, of the money collected from fees for lifetime sportsman's licenses, lifetime hunting licenses, and lifetimes sport fishing licenses, \$20 is required to be deposited in the Fish and Game Preservation Fund, and the remaining money into the Lifetime License Trust Account in that fund.

This bill would instead require that \$20 from the initial issuance of those licenses be deposited into the fund, and the remaining money into that account.

Under existing law, the department is required annually to transfer from that account to the fund a certain amount.

This bill would change the amount transferred from the account into the fund.

(7) Existing law imposes a registration and renewal fee on the owner of each aquaculture facility. Existing law imposes a surcharge on that fee is the gross annual sales of aquaculture products exceed a certain amount.

This bill would increase those fees and that surcharge.

(8) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the Department of Fish and Game and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission. Unless otherwise provided, all money collected under the code is deposited in the fund.

By imposing new duties on the department, and increasing revenues deposited in the fund, the bill would make an appropriation.

(9) Under existing law, money in the Seismic Hazards Identification Fund, a special fund in the state treasury, is continuously appropriated to the Division of Mines and Geology for mapping of seismic hazards in the state.

This bill would rename that fund the Strong-Motion Instrumentation and Seismic Hazards Mapping Fund. The bill would require that

moneys in the fund, upon appropriation by the Legislature, be expended for seismic hazards mapping and for the strong-motion instrumentation program.

Under existing law, money in the Strong-Motion Instrumentation Special Fund in the State Treasury is continuously appropriated to the Division of Mines and Geology for the strong-motion instrumentation program.

This bill would eliminate the Strong-Motion Instrumentation Special Fund in the State Treasury and transfer money in that fund to the Strong-Motion Instrumentation and Seismic Hazards Mapping Fund.

The bill would make these provisions operative on July 1, 2004.

(10) Existing law requires cities and counties to collect a specified fee from each applicant for a building permit. The funds collected, less a certain portion of the funds that may be retained by cities and counties for specified purposes related to seismic events, are deposited in the Seismic Hazards Identification Fund or the Strong-Motion Instrumentation Special Fund according to a specified formula.

This bill instead would require that those funds, less those funds retained by a city or county, as specified, be deposited in the Strong-Motion Instrumentation and Seismic Hazards Mapping Fund for seismic hazards mapping and for the strong-motion instrumentation program.

The bill would make these provisions operative on July 1, 2004.

(11) Existing law requires that all money paid to the Treasurer pursuant to the provisions regulating the conservation of oil and gas be deposited in the General Fund.

This bill would establish the Oil, Gas, and Geothermal Administrative Fund in the State Treasury and would require that certain revenues collected under those provisions be deposited in the fund.

(12) Existing law requires the Department of Parks and Recreation to hold a public hearing within the county in which a proposed state park project is located, prior to submitting a proposal for an appropriation to acquire real property for the project through a purchase agreement, if the real property is more than \$5,000,000 in value. Existing law requires the department to provide written notice of its intent to acquire the real property to the city or county, or both, having jurisdiction over the property, as early as possible in the acquisition process, but not less than 90 days from the date of acquisition. If the acquisition is between \$500,000 and \$5,000,000,

existing law authorizes a member of the city council or board of supervisors to request that the department hold a public hearing regarding the acquisition of the property. Existing law imposes similar requirements for property that is not proposed to be acquired through a purchase agreement.

This bill would require the department to additionally provide written notice of its intent to acquire the real property through a purchase agreement to the chair and vice chair of the joint legislative budget committee, the chairs of the budget subcommittees having jurisdiction over resources, the chairs of the appropriate legislative policy committees, and to the legislators within whose districts the property proposed for acquisition is located, as early as possible in the acquisition process, but not less than 90 days from the date of acquisition. Within 30 days of receiving written notice of the proposed acquisition, the bill would authorize a Member of the Legislature who has been notified, to request that the department hold a public hearing regarding the acquisition of the property.

(13) The existing Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (urban open-space act) provides for grants to cities, counties, and districts, as defined, for purposes related to parks and recreation. The urban open-space act generally requires cities, counties, and districts receiving grants to provide matching money, as specified.

The existing California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 authorizes bond funds from that act to be appropriated to the Department of Parks and Recreation for grants in accordance with the urban open-space act.

This bill would provide that notwithstanding the urban open-space act's requirement of matching money, funds from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 that are or have been appropriated on or before June 30, 2004 for the purposes of the urban open-space act do not require local matching money.

(14) Existing law requires the State Lands Commission to deposit in the General Fund all revenue, money, and remittances received by the commission, except as to revenue from school lands and other specified sources. Existing law requires that money to be used for specified purposes, including refunds, commission expenses, and payments to cities and counties. Under existing law, those provisions become operative on July 1, 2003.



This bill would, instead, make those provisions operative on July 1, 2006.

(15) Existing law, the Surface Mining and Reclamation Act of 1975, governs surface mining operations and reclamation of mined lands, and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. Existing law authorizes the lead agency to impose a fee upon each mining operation to cover the reasonable costs incurred in implementing certain reporting requirements of that act.

This bill would define the term “lead agency” for purposes of those reporting requirements.

(16) Existing law authorizes the money deposited in the Bosco-Keene Renewable Resources Investment Fund to be encumbered, pursuant to appropriation by the Legislature, for specified purposes relating to natural resources.

This bill would additionally allow those funds to be encumbered to regulate and oversee surface mining activities.

(17) The Natural Heritage Preservation Tax Credit Act of 2000 requires the Wildlife Conservation Board to implement a program under which property, as defined, may be contributed to the state, any local government, as defined, or to any nonprofit organization designated by a local government, based on specified criteria, in order to provide for the protection of wildlife habitat, open space, and agricultural lands.

The Personal Income Tax Law and the Corporation Tax Law authorize a credit against the taxes imposed by those laws in an amount equal to 55% of the fair market value of any qualified contribution, as defined, contributed during the taxable year pursuant to the Natural Preservation Tax Credit Act of 2000, as provided. The total amount of tax credits that may be awarded in the fiscal years 2001–02, 2002–03, 2003–04, and 2004–05 is limited to \$100,000,000, as provided. The awarding of the tax credits is suspended in the 2002–03 fiscal year.

This bill would additionally suspend the awarding of tax credits in the 2003–04 fiscal year.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

DIGEST FROM 13579

(18) Existing law establishes fees for dam ownership and operation based on the height of the dam.

This bill would establish those fees based on height and total storage capacity, as defined, and would increase those fees. The bill would require the Department of Water Resources to adopt regulations that establish a schedule of fees to cover the department's costs in administering dam safety programs. The bill would establish the Dam Safety Fund, into which all fees and other specified revenues would be deposited, to be expended, upon appropriation by the Legislature, for the administration of the dam safety program.

(19) Under existing law, the first \$50,000 derived from fees on applications for building a new dam or reservoir is required to be deposited in the Strong-Motion Instrumentation Special Fund, to be used for the instrumentation of dams.

This bill would repeal that provision.

(20) The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 was an initiative measure approved by the voters at the November 5, 2002, statewide general election as Proposition 50. Proposition 50, among other things, provides bond funds for acquisition of land related to protection of water supplies, coastal watersheds, and beaches.

The bill, with a certain exception, would require state agencies disbursing grants or loans pursuant to Proposition 50 to develop project solicitation and evaluation guidelines for the purposes of implementing Proposition 50. The bill would require each state agency, prior to finalizing the guidelines, to conduct 2 public meetings to consider public comments.

The bill would generally authorize state agencies to include in those guidelines a requirement for matching funds, as defined, except that the bill would require certain state agencies to impose matching fund requirements in accordance with certain provisions of Proposition 50, but would otherwise prohibit the imposition of matching fund requirements for the purposes of awarding a grant to assist a disadvantaged community, as defined. The bill would require state agencies that are authorized to award loans or grants financed by Proposition 50 to provide technical assistance with regard to the preparation of the applications for those loans or grants.

The bill would require the State Department of Health Services to award certain grant money available to Southern California water agencies on a competitive basis for eligible projects to reduce Colorado



River water use, including projects undertaken by one or more southern California water agencies and other entities.

The bill would require funds made available by Proposition 50 for the purposes of a public drinking water system security program to be appropriated to the State Department of Health Services.

The bill would require each state agency expending funds pursuant to Proposition 50 for projects, grants, or loans to report annually to the Legislature on the recipient and amount of each project, grant, or loan awarded during the previous fiscal year and the total amount awarded, categorized by project, grant, or loan, the geographic distribution of projects, grants or loans awarded, and the intended public and environmental benefit that the awards provide.

The bill would establish various other requirements relating to the implementation of Proposition 50.

(21) Existing law requires state agencies to adopt regulations in accordance with prescribed procedures and requirements and requires the Office of Administrative Law to review adopted regulations and to make certain determinations.

This bill would exempt the adoption or revision of regulations, guidelines, or criteria that implement Proposition 50 the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) from those provisions, but would require the adoption or revision of regulations, guidelines, or criteria to be accomplished by means of a public process.

(22) This bill would designate Sugar Pine Point State Park as Ed Z'berg Sugar Pine Point State Park.

(23) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact~~
- 2 ~~statutory changes relating to the Budget Act of 2003.~~

1 *SECTION 1. The Legislature finds and declares the*
2 *following:*

3 *In order to protect the intent of the voters in approving the Water*
4 *Security, Clean Drinking Water, Coastal and Beach Protection Act*
5 *of 2002 (Division 26.5 (commencing with Section 79500) of the*
6 *Water Code), it is necessary and desirable that, to the maximum*
7 *extent possible, the following principles apply to the*
8 *implementation of that act:*

9 *(a) Guidelines developed for grant and loan programs*
10 *pursuant to that act shall encourage integrated, multiple-benefit*
11 *projects.*

12 *(b) Preference shall be given to funding safe drinking water and*
13 *water quality projects that serve disadvantaged communities.*

14 *(c) Programs shall support projects that improve local and*
15 *regional water supply reliability.*

16 *(d) For projects that affect water quality, preference shall be*
17 *given to those projects that contribute expeditiously and*
18 *measurably to the long-term attainment and maintenance of water*
19 *quality standards.*

20 *(e) For projects that affect water quality, preference shall be*
21 *given to funding projects that will eliminate or significantly reduce*
22 *pollution into impaired waters and sensitive habitat areas,*
23 *including areas of special biological significance.*

24 *(f) Projects that affect water quality shall include monitoring*
25 *component that allows the integration of data into statewide*
26 *monitoring efforts, including but not limited to, the surface water*
27 *ambient monitoring program carried out by the State Water*
28 *Resources Control Board.*

29 *(g) Groundwater projects and projects that affect groundwater*
30 *shall include groundwater monitoring requirements consistent*
31 *with the Groundwater Quality Monitoring Act of 2001 (Part 2.76*
32 *(commencing with Section 10780) of Division 6 of the Water*
33 *Code).*

34 *SEC. 2. Section 11361 of the Government Code is amended to*
35 *read:*

36 11361. This chapter does not apply to the adoption or revision
37 of regulations, guidelines, or criteria to implement the Safe
38 Neighborhood Parks, Clean Water, Clean Air, and Coastal
39 Protection Bond Act of 2000 (the Villaraigosa-Keeley Act)
40 (Chapter 1.692 (commencing with Section 5096.300) of Division

1 5 of the Public Resources Code), *the California Clean Water,*
2 *Clean Air, Safe Neighborhood Parks, and Coastal Protection Act*
3 *of 2002 (Chapter 1.696 (commencing with Section 5096.600) of*
4 *Division 5 of the Public Resources Code), or the Water Security,*
5 *Clean Drinking Water, Coastal and Beach Protection Act of 2002*
6 *(Division 26.5 (commencing with Section 79500) of the Water*
7 *Code). The adoption or revision of regulations, guidelines, or*
8 *criteria, if necessary to implement ~~that act~~ those respective acts,*
9 *shall instead be accomplished by means of a public process*
10 *reasonably calculated to give those persons interested in their*
11 *adoption or revision an opportunity to be heard.*

12 *SEC. 3. Section 713 of the Fish and Game Code is amended*
13 *to read:*

14 713. (a) The changes in the Implicit Price Deflator for State
15 and Local Government Purchases of Goods and Services, as
16 published by the United States Department of Commerce, shall be
17 used as the index to determine an annual rate of increase or
18 decrease in the fees for licenses, stamps, permits, ~~and tags, or other~~
19 ~~entitlements~~ issued by the department, ~~except commercial fishing~~
20 ~~fees.~~

21 (b) The department shall determine the change in the Implicit
22 Price Deflator for State and Local Government Purchases of
23 Goods and Services, as published by the United States Department
24 of Commerce, for the quarter ending March 31 of the current year
25 compared to the quarter ending March 31 of the previous year. The
26 relative amount of the change shall be multiplied by the current fee
27 for each license, stamp, permit, ~~or tag, or other entitlement~~ issued
28 by the department.

29 The product shall be rounded to the nearest twenty-five cents
30 (\$0.25), and the resulting amount shall be added to the fee for the
31 current year. The resulting amount shall be the fee for the license
32 year beginning on or after January 1 of the next succeeding
33 calendar year for the license, stamp, permit, ~~or tag, which, tag or~~
34 ~~other entitlement that~~ is adjusted under this section.

35 (c) Notwithstanding any other provision of law, the department
36 may recalculate the current fees charged for each license, stamp,
37 permit, ~~or tag, or other entitlement~~ issued by the department,
38 ~~except commercial fishing fees,~~ to determine that all appropriate
39 indexing has been included in the current fees. This section shall
40 apply to all licenses, stamps, permits, ~~or tags, except commercial~~

~~1 fishing fees~~ tags, or other entitlements, that have not been
2 increased each year since the base year of the 1985–86 fiscal year.

(d) The calculations provided for in this section shall be
4 reported to the Legislature with the Governor’s Budget Bill.

(e) The Legislature finds that all revenues generated by fees for
6 licenses, stamps, permits, ~~and~~ tags, *and other entitlements*,
7 computed under this section and used for the purposes for which
8 they were imposed, are not subject to Article XIII B of the
9 California Constitution.

(f) The department shall, at least every five years, analyze all
11 fees for ~~permits~~, licenses, stamps, ~~and permits~~ tags, *and other*
12 *entitlements* issued by it to ensure the appropriate fee amount is
13 charged. Where appropriate, the department shall recommend to
14 the Legislature or the commission that fees established by the
15 commission or the Legislature be adjusted to ensure that those fees
16 are appropriate.

17 *SEC. 4. Section 714 of the Fish and Game Code is amended*
18 *to read:*

714. (a) In addition to Section 3031, 3031.2, 7149, ~~7149.05~~,
20 or 7149.2 and notwithstanding Section 3037, the department shall
21 issue lifetime sportsman’s licenses pursuant to this section. A
22 lifetime sportsman’s license authorizes the taking of birds,
23 mammals, fish, reptiles, or amphibia anywhere in this state in
24 accordance with law for purposes other than profit for the life of
25 the person to whom issued unless revoked for a violation of this
26 code or regulations adopted pursuant to this code. A lifetime
27 sportsman’s license is not transferable. A lifetime sportsman’s
28 license does not include any special tags, stamps, or other
29 entitlements.

(b) A lifetime sportsman’s license may be issued to residents ~~of~~
31 ~~this state~~, as follows:

(1) To a person 62 years of age or over upon payment of a fee
33 ~~of six hundred dollars (\$600) in 1998~~ *base fee of seven hundred*
34 *thirty dollars (\$730).*

(2) To a person 40 years of age or over and less than 62 years
36 of age upon payment of a fee ~~of eight hundred ninety dollars~~
37 ~~(\$890) in 1998~~ *base fee of one thousand eighty dollars (\$1,080).*

(3) To a person 10 years of age or over and less than 40 years
39 of age upon payment of a fee ~~of nine hundred ninety dollars (\$990)~~
40 ~~in 1998~~ *base fee of one thousand two hundred dollars (\$1,200).*

(4) To a person less than 10 years of age upon payment of a fee of six hundred dollars (\$600) in 1998 *base fee of seven hundred thirty dollars (\$730).*

(5) ~~The department shall establish the fee for each license authorized under this section in 1999 and subsequent years. The license fee shall not be less than the fee authorized in 1998, and the fee shall not exceed the cost of a license if the license fee was adjusted pursuant to Section 713 with the base year of 1998.~~

(c) Nothing in this section requires a person ~~under the age of 16 less than 16 years of age~~ to obtain a license to take fish, reptiles, or amphibians for purposes other than profit or to obtain a license to take birds or mammals except as required by law.

(d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sporthunting or sport fishing.

(e) Upon payment of a fee of three hundred ten dollars (\$310) *base fee of four hundred forty-five dollars (\$445)*, a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag *application* pursuant to subdivision (a) of Section 4332 and five wild pig tags ~~issued~~ pursuant to Section 4654. *Lifetime privileges issued pursuant to this subdivision are not transferable.*

(f) Upon payment of a fee of two hundred dollars (\$200) *base fee of two hundred ten dollars (\$210)*, a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700 or 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1. *Lifetime privileges issued pursuant to this subdivision are not transferable.*

(g) *The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.*

SEC. 5. Section 2536 of the Fish and Game Code is amended to read:

2536. (a) It is unlawful for any person to engage in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a guide license from the department.

(b) An employee of a licensee who acts as a guide only in connection with, and within the scope of, his or her employment is exempt from the requirement of subdivision (a) if all of the following conditions are met:

(1) If the employment is subject to and the person is reported to the carrier of the employer's workers' compensation insurance.

(2) If the person is subject and reported to the state and federal taxing authorities for withholding of income tax.

(3) If the person is reported to the department, on forms provided by the department, as an employee of the guide prior to any contact with any person being guided, and a ~~ten-dollar (\$10)~~ registration fee has been paid. *The base fee for an employee guide registration for the 2004 license year shall be thirty-three dollars (\$33), which shall be adjusted annually thereafter pursuant to Section 713.*

(c) A person who is licensed in another state to provide guide services for the purposes of fishing is exempt from the requirements of subdivision (a) if all of the following conditions are met:

(1) The state in which the person is licensed grants a similar exemption to licensed guides who are residents of this state.

(2) Evidence of a valid guide license is provided to the department upon request.

(3) The person is engaged in the business of guiding only in conjunction with and during the term of a multistate fishing tournament approved by the appropriate agency in each of the affected states.

(4) The tournament sponsor provides to the department any information or documents necessary to administer and enforce this paragraph, as determined by the department, including, but not limited to, the identities of all guides participating in the tournament, verification of another state's license exemption, and information sufficient to determine the validity of another state's guide licenses.

(5) The tournament sponsor pays the department an amount, determined by the department, to be sufficient to cover the department's cost to administer and enforce this subdivision.

(6) The net proceeds of the tournament are used for resource management projects or habitat improvement projects, or both.

1 SEC. 6. Section 2540 of the Fish and Game Code is amended
2 to read:

3 2540. (a) The base fee for a guide license, issued to a resident
4 of this state, is ~~forty five dollars (\$45), as adjusted under Section~~
5 ~~713, and the~~ is one hundred fifty dollars (\$150).

6 (b) The base fee for a guide license issued to a nonresident is
7 ~~one hundred twenty five dollars (\$125), as adjusted under Section~~
8 ~~713~~ three hundred fifty dollars (\$350). ~~A~~

9 (c) A guide license is valid for the license year beginning on
10 February 1 and ending on January 31 of the succeeding year or, if
11 issued after the beginning of the license year, for the remainder of
12 that license year.

13 (d) The base fees specified in this section are applicable to the
14 2004 license year, and shall be adjusted annually thereafter
15 pursuant to Section 713.

16 SEC. 7. Section 3031 of the Fish and Game Code is amended
17 to read:

18 3031. (a) A hunting license, granting the privilege to take
19 birds and mammals, shall be issued to any of the following:

20 (1) A resident of this state, 16 years of age or older, upon the
21 payment of a base fee of ~~seventeen dollars (\$17), as adjusted under~~
22 ~~Section 713~~ thirty-one dollars and twenty-five cents (\$31.25).

23 (2) A ~~person under the age of 16 years resident or nonresident~~
24 ~~less than 16 years of age~~, upon the payment of a base fee of ~~four~~
25 ~~dollars (\$4), as adjusted under Section 713~~ eight dollars and
26 ~~twenty-five cents (\$8.25).~~

27 (3) A ~~person not a resident of this state nonresident~~, 16 years
28 of age or older, upon the payment of a base fee of ~~fifty nine dollars~~
29 ~~(\$59), as adjusted under Section 713~~ one hundred eight dollars and
30 ~~fifty cents (\$108.50).~~

31 (4) A ~~person not a resident of this state nonresident~~, 16 years
32 of age or older, valid only for two consecutive days upon payment
33 of a ~~base fee of twenty-five dollars (\$25), as adjusted under~~
34 ~~Section 713~~ the fee set forth in paragraph (1). A license issued
35 pursuant to this paragraph is valid only for taking resident and
36 migratory game birds, resident small game mammals, fur-bearing
37 mammals, and nongame mammals, as defined in this code or in
38 regulations adopted by the commission.

39 (5) A ~~person not a resident of this state nonresident~~, valid for
40 one day and only for the taking of domesticated game birds and

1 pheasants while on the premises of a licensed game bird club, or
2 for the taking of domesticated migratory game birds in areas
3 licensed for shooting those birds, upon the payment of a base fee
4 of eight dollars (\$8), as adjusted under Section 713 fifteen dollars
5 (\$15).

6 (b) ~~The adjustment of the base fees under Section 713, which~~
7 ~~are specified in paragraphs (1) to (5), inclusive, of subdivision (a),~~
8 ~~are applicable to the hunting license years beginning on and after~~
9 ~~July 1, 1988. The base fees specified in this section are applicable~~
10 ~~to the 2004 license year, and shall be adjusted annually thereafter~~
11 ~~pursuant to Section 713.~~

12 SEC. 8. Section 3031.2 of the Fish and Game Code is
13 amended to read:

14 3031.2. (a) In addition to Sections 714 and 3031 and
15 notwithstanding Section 3037, the department shall issue lifetime
16 hunting licenses under this section. A lifetime hunting license
17 authorizes the taking of birds and mammals anywhere in this state
18 in accordance with the law for purposes other than profit for the
19 life of the person to whom issued unless revoked for a violation of
20 this code or regulations adopted under this code. A lifetime
21 hunting license is not transferable. A lifetime hunting license does
22 not include any special license tags, license stamps, or fees.

23 (b) A lifetime hunting license may be issued to residents of this
24 state, as follows:

25 (1) To a person 62 years of age or over, upon payment of a fee
26 ~~of three hundred dollars (\$300) in 1998~~ *base fee of three hundred*
27 *sixty-five dollars (\$365).*

28 (2) To a person 40 years of age or over, and less than 62 years
29 of age, upon payment of a fee ~~of four hundred forty-five dollars~~
30 ~~(\$445) in 1998~~ *base fee of five hundred forty dollars (\$540).*

31 (3) To a person 10 years of age or over and less than 40 years
32 of age, upon payment of a fee ~~of four hundred ninety-five dollars~~
33 ~~(\$495) in 1998~~ *base fee of six hundred dollars (\$600).*

34 (4) To a person less than 10 years of age, upon payment of a fee
35 ~~of three hundred dollars (\$300) in 1998.~~

36 (5) ~~The department shall establish the fee for each license~~
37 ~~authorized under this section in 1999 and subsequent years. The~~
38 ~~license fee shall not be less than the fee authorized in 1998, and the~~
39 ~~fee shall not exceed the cost of a license if the license fee was~~

1 ~~adjusted pursuant to Section 713 with the base year of 1998. base~~
2 ~~fee of three hundred sixty-five dollars (\$365).~~

3 (c) Nothing in this section requires a person ~~under the age of 16~~
4 ~~less than 16 years of age~~ to obtain a license to take birds or
5 mammals except as required by law.

6 (d) Nothing in this section exempts an applicant for a license
7 from meeting other qualifications or requirements otherwise
8 established by law for the privilege of sporthunting.

9 (e) *The base fees specified in this section are applicable*
10 *commencing January 1, 2004, and shall be adjusted annually*
11 *thereafter pursuant to Section 713.*

12 SEC. 9. Section 4654 of the Fish and Game Code is amended
13 to read:

14 4654. (a) Any resident of this state, 12 years of age or older,
15 who possesses a valid hunting license, may procure the number of
16 wild pig tags corresponding to the number of wild pigs that may
17 legally be taken by one person during the license year upon
18 payment of a base fee of ~~one dollar and fifty cents (\$1.50), as~~
19 ~~adjusted under Section 713~~ fifteen dollars (\$15), for each wild pig
20 tag.

21 (b) Any nonresident, 12 years of age or older, who possesses a
22 valid California nonresident hunting license, may procure the
23 number of wild pig tags corresponding to the number of wild pigs
24 that may legally be taken by one person during the license year
25 upon payment of a base fee of ~~ten dollars (\$10), as adjusted under~~
26 ~~Section 713~~ fifty dollars (\$50), for each wild pig tag.

27 (c) *The base fees specified in this section are applicable to the*
28 *2004 license year, and shall be adjusted annually thereafter*
29 *pursuant to Section 713.*

30 SEC. 10. Section 6596 of the Fish and Game Code is amended
31 to read:

32 6596. (a) In addition to a valid California *sport* fishing
33 ~~license issued pursuant to Section 7149~~ and any other applicable
34 license stamp issued pursuant to this code, a person taking fish
35 from ocean waters south of a line extending due west from Point
36 Arguello for purposes other than for profit shall have *a valid sport*
37 *fishing ocean enhancement stamp* permanently affixed to his or
38 her fishing license, ~~except a sport fishing license issued pursuant~~
39 ~~to paragraph (4) of subdivision (a) of Section 7149, an ocean~~
40 ~~fishing enhancement stamp. A license sport fishing ocean~~

~~enhancement stamp issued under this subdivision shall be issued for the following fees:~~

~~(1) A stamp for a sport fishing or sport ocean fishing license, two dollars and fifty cents (\$2.50). Sportfishing licenses upon payment of a base fee of three dollars and fifty cents (\$3.50). A sport fishing license issued pursuant to paragraph (4) or (5) of subdivision (a) of Section 7149 are is not subject to this requirement subdivision.~~

~~(2) A stamp for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149, fifty cents (\$0.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.~~

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial ~~ocean~~ fishing *ocean* enhancement stamp issued for that vessel that has not been suspended or revoked.

(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes, south of a line extending due west from Point Arguello, shall have a valid commercial ~~ocean~~ fishing *ocean* enhancement stamp issued to that person that has not been suspended or revoked.

(d) The *base* fee for a commercial ~~ocean~~ fishing *ocean* enhancement stamp is ~~twenty-five dollars (\$25)~~ *thirty-five dollars (\$35)*.

(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(f) *The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.*

SEC. 11. Section 6596.1 of the Fish and Game Code is amended to read:

6596.1. (a) In addition to a valid California *sport* fishing license ~~issued pursuant to Section 7149.05~~ and any other applicable license validation issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have

1 *a valid sport fishing ocean enhancement validation* permanently
2 affixed to his or her fishing license, ~~except a sport fishing license~~
3 ~~issued pursuant to paragraph (4) of subdivision (a) of Section~~
4 ~~7149.05, an ocean fishing enhancement validation.~~ A license *sport*
5 *fishing ocean enhancement validation* issued under this
6 subdivision shall be issued for the following fees:

7 (1) ~~A validation for a sport fishing or sport ocean fishing~~
8 ~~license, two dollars and fifty cents (\$2.50). Sportfishing licenses~~
9 ~~upon payment of a base fee of three dollars and fifty cents (\$3.50).~~
10 *A sport fishing license* issued pursuant to paragraph (4) *or* (5) of
11 subdivision (a) of Section 7149.05 ~~are~~ is not subject to this
12 requirement subdivision.

13 (2) ~~A validation for each single day sport ocean fin fishing~~
14 ~~license issued pursuant to subdivision (c) of Section 7149.05, fifty~~
15 ~~cents (\$0.50). sportfishing licenses issued pursuant to paragraph~~
16 ~~(4) of subdivision (a) of Section 7149.05 are not subject to this~~
17 ~~requirement.~~

18 (b) In addition to a valid California commercial passenger
19 fishing boat license issued pursuant to Section 7920, the owner of
20 any boat or vessel who, for profit, permits any person to fish
21 therefrom, south of a line extending due west from Point Arguello,
22 shall have a valid commercial ~~ocean~~ fishing *ocean enhancement*
23 validation issued for that vessel that has not been suspended or
24 revoked.

25 (c) Any person who takes, possesses aboard a boat, or lands any
26 white sea bass for commercial purposes south of a line extending
27 due west from Point Arguello, shall have a valid commercial ~~ocean~~
28 fishing *ocean enhancement validation* issued to that person that
29 has not been suspended or revoked.

30 (d) The *base* fee for a commercial ocean fishing enhancement
31 validation is ~~twenty-five dollars (\$25)~~ *thirty-five dollars (\$35)*.

32 (e) This section applies only to licenses, permits, reservations,
33 tags, and other entitlements issued through the Automated License
34 Data System.

35 (f) *The base fees specified in this section are applicable to the*
36 *2004 license year, and shall be adjusted annually thereafter*
37 *pursuant to Section 713.*

38 SEC. 12. Section 7145 of the Fish and Game Code is amended
39 to read:

7145. (a) Except as otherwise provided in this article, every person ~~over the age of 16 years~~ *16 years of age or older* who takes any fish, reptile, or amphibia for any purpose other than profit shall first obtain a license for that purpose and shall have that license on his or her person or in his or her immediate possession or where otherwise specifically required by law *or regulation* to be kept when engaged in carrying out any activity authorized by the license. In the case of a person diving from a boat, the license may be kept in the boat, or in the case of a person diving from the shore, the license may be kept within 500 yards on the shore.

(b) This section does not apply to an owner of real property, or the owner's invitee, who takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and not hydrologically connected to any permanent or intermittent waterway of the state.

This subdivision does not, and shall not be construed to, authorize the introduction, migration, stocking, or transfer of aquatic species, prohibited species, or any other nonnative or exotic species into state waters or waterways. This subdivision does not supersede or otherwise affect any provision of law that governs aquaculture, including, but not limited to, the operation of trout farms, the operation of other enterprises for profit, or any activity that is an adjunct to or a feature of, or that is operated in conjunction with, any other enterprise operated for profit, including private parks or recreation areas.

SEC. 13. *Section 7147 of the Fish and Game Code is amended to read:*

7147. ~~(a)~~ The owner or operator of a boat or vessel licensed pursuant to Section 7920 shall not permit any person to fish from that boat or vessel unless that person has, in his or her possession, a valid ~~sportfishing~~ *California sport fishing* license, ~~sport ocean fishing license, or sport ocean fin fishing license~~ and any required license stamp *or validation issued pursuant to this code*.

~~(b) On or before March 1, 1995, the department shall submit to the Legislature a report evaluating the effect of this section and its recommendations on whether the operation of this section should be continued. The report shall include a summary of comments compiled by organizations representing commercial passenger fishing vessel owners if those comments are submitted to the department on or before January 1, 1995.~~

1 SEC. 14. Section 7149 of the Fish and Game Code is amended
2 to read:

3 7149. (a) A sport fishing license granting the privilege to take
4 any fish, reptile, or amphibia anywhere in this state for purposes
5 other than profit shall be issued to any of the following:

6 (1) A resident ~~of this state, over the age of 16 years, upon~~
7 ~~payment during the 1987~~ 16 years of age or older, for the period
8 of a calendar year, or, if issued after the beginning of the year, for
9 the remainder thereof, upon payment of a ~~fee of eighteen dollars~~
10 ~~(\$18), or upon the payment during a calendar year beginning on~~
11 ~~or after January 1, 1988, of the base fee of sixteen dollars and~~
12 ~~seventy-five cents (\$16.75), as adjusted under Section 713 base~~
13 ~~fee of thirty-one dollars and twenty-five cents (\$31.25).~~

14 (2) A nonresident, ~~over the age of 16 years of age or older,~~ for
15 the period of a calendar year, or, if issued after the beginning of the
16 year, for the remainder thereof, upon payment of a base fee of
17 ~~forty-five dollars (\$45), as adjusted under Section 713 eighty-four~~
18 ~~dollars (\$84).~~

19 (3) A nonresident, ~~over the age of 16 years of age or older,~~ for
20 the period of 10 consecutive days beginning on the date specified
21 on the license upon payment of the fee set forth in paragraph (1);
22 ~~as adjusted under Section 713.~~

23 (4) A resident or nonresident, ~~over the age of 16 years of age~~
24 ~~or older,~~ for two consecutive designated calendar days, upon
25 payment of the ~~base fee of seven dollars (\$7) as adjusted under~~
26 ~~Section 713 half of the fee set forth in paragraph (1).~~
27 Notwithstanding Section 1053, more than one two-day license
28 issued for different two-day periods may be issued to, or possessed
29 by, a person at one time.

30 (b) ~~A sport ocean fishing license granting the licensee to take~~
31 ~~any fish from ocean waters of this state for purposes other than~~
32 ~~profit shall be issued to a resident of this state, over the age of 16~~
33 ~~years, for the period of a calendar year, or if issued after the~~
34 ~~beginning of the year, for the remainder thereof, upon payment of~~
35 ~~a base fee of ten dollars (\$10), as adjusted under Section 713.~~

36 (c) ~~A sport ocean finfishing license granting the privilege to~~
37 ~~take only finfish from the ocean waters of this state for purposes~~
38 ~~other than profit shall be issued to a person over the age of 16 years~~
39 ~~for one designated day, upon the payment for a designated day in~~

1 ~~the license year beginning on January 1 of the base fee of four~~
2 ~~dollars (\$4), as adjusted under Section 713.~~

3 ~~(d) For the purposes of this section, the adjustment under~~
4 ~~Section 713 shall be calculated and added to the base fees to~~
5 ~~establish the fees paid for licenses issued in the license years~~
6 ~~beginning on and after January 1, 1988, in accordance with Section~~
7 ~~713.~~

8 ~~(e)–~~

9 *(5) A resident or nonresident, 16 years of age or older, for one*
10 *designated day, upon payment of a base fee of ten dollars (\$10).*

11 *(b) California sport fishing license stamps shall be issued by*
12 *authorized license agents in the same manner as sport fishing*
13 *licenses, and no compensation may be paid to the authorized*
14 *license agent for issuing the stamps except as provided in Section*
15 *1055.*

16 ~~(f)–~~

17 *(c) This section does not apply to licenses, permits,*
18 *reservations, tags, or other entitlements issued through the*
19 *Automated License Data System.*

20 *(d) The base fees specified in this section are applicable to the*
21 *2004 license year, and shall be adjusted annually thereafter*
22 *pursuant to Section 713.*

23 *SEC. 15. Section 7149.05 of the Fish and Game Code is*
24 *amended to read:*

25 7149.05. (a) ~~A sportfishing~~ *sport fishing* license granting the
26 privilege to take any fish, reptile, or amphibia anywhere in this
27 state for purposes other than profit shall be issued to any of the
28 following:

29 ~~(1) A resident of this state, over the age of 16 years, upon~~
30 ~~payment during the 1987~~ *16 years of age or older, for the period*
31 *of a calendar year, or, if issued after the beginning of the year, for*
32 *the remainder thereof, upon payment of a fee of eighteen dollars*
33 *(\$18), or upon the payment during a calendar year beginning on*
34 *or after January 1, 1988, of the base fee of sixteen dollars and*
35 *seventy-five cents (\$16.75), as adjusted under Section 713 base*
36 *fee of thirty-one dollars and twenty-five cents (\$31.25).*

37 ~~(2) A nonresident, over the age of 16 years of age or older, for~~
38 ~~the period of a calendar year, or, if issued after the beginning of the~~
39 ~~year, for the remainder thereof, upon payment of a base fee of~~

~~forty-five dollars (\$45), as adjusted under Section 713 eighty-four dollars (\$84).~~

~~(3) A nonresident, over the age of 16 years of age or older for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1); as adjusted under Section 713.~~

~~(4) A resident or nonresident, over the age of 16 years of age or older, for one two designated day days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713 half the fee set forth in paragraph (1). Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.~~

~~(b) A sport ocean fishing license granting the privilege to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of one calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.~~

~~(c) A sport ocean fin fishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.~~

~~(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.~~

~~(e)~~

~~(5) A resident or nonresident, 16 years of age or older, for one designated day upon payment of a base fee of ten dollars (\$10).~~

~~(b) California sportfishing sport fishing license validations shall be issued by authorized license agents in the same manner as sportfishing sport fishing licenses, and no compensation shall be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.~~

~~(f)~~

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

~~(g) This section shall become operative on January 1, 2002.~~

(d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

SEC. 16. Section 7149.1 of the Fish and Game Code is repealed.

~~7149.1. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149, by obtaining a resident sportfishing license upgrade stamp.~~

~~(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade stamp upon payment of the fee for that stamp. The upgrade stamp fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision (a) of Section 7149 and the fee determined under subdivision (b) of Section 7149.~~

~~(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

SEC. 17. Section 7149.15 of the Fish and Game Code is repealed.

~~7149.15. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149.05 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149.05, by obtaining a resident sportfishing license upgrade validation.~~

~~(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade validation upon payment of the fee for that validation. The upgrade validation fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision (a) of Section 7149.05 and the fee determined under subdivision (b) of Section 7149.05.~~

~~(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.~~

1 SEC. 18. Section 7149.2 of the Fish and Game Code is
2 amended to read:

3 7149.2. (a) In addition to Sections 714 ~~and~~, 7149, and
4 7149.05, the department shall issue a lifetime sport fishing license
5 under this section. A lifetime sport fishing license authorizes the
6 taking of fish, amphibia, or reptiles anywhere in this state in
7 accordance with the law for purposes other than profit for the life
8 of the person to whom issued unless revoked for a violation of this
9 code or regulations adopted under this code. A lifetime sport
10 fishing license is not transferable. A lifetime sport fishing license
11 does not include any special license tags, license stamps, or fees.

12 (b) A lifetime sport fishing license may be issued to residents
13 of this state, as follows:

14 (1) To a person 62 years of age or over, upon payment of a fee
15 ~~of three hundred dollars (\$300) in 1998 base fee of three hundred~~
16 ~~sixty-five dollars (\$365).~~

17 (2) To a person 40 years of age or over, and less than 62 years
18 of age upon payment of a fee ~~of four hundred forty-five dollars~~
19 ~~(\$445) in 1998 base fee of five hundred forty dollars (\$540).~~

20 (3) To a person 10 years of age or over and less than 40 years
21 of age upon payment of a fee ~~of four hundred ninety-five dollars~~
22 ~~(\$495) in 1998 base fee of six hundred dollars (\$600).~~

23 (4) To a person less than 10 years of age upon payment of a fee
24 ~~of three hundred dollars (\$300) in 1998 base fee of three hundred~~
25 ~~sixty-five dollars (\$365).~~

26 (c) Nothing in this section requires a person ~~under the age of 16~~
27 ~~years less than 16 years of age~~ to obtain a license to take fish,
28 amphibia, or reptiles for purposes other than profit.

29 (d) Nothing in this section exempts a license applicant from
30 meeting other qualifications or requirements otherwise
31 established by law for the privilege of sport fishing.

32 (e) ~~The department shall establish the fee for each license~~
33 ~~authorized under this section in 1999 and subsequent years. The~~
34 ~~license fee shall not be less than the fee authorized in 1998, and the~~
35 ~~fee shall not exceed the cost of a license if the license fee was~~
36 ~~adjusted pursuant to Section 713 with the base year of 1998.~~

37 (f) ~~Upon payment of a fee of one hundred fifty dollars (\$150)~~
38 ~~base fee of two hundred forty-five dollars (\$245), a person holding~~
39 a lifetime sport fishing license or lifetime sportsman's license shall
40 be entitled annually to the privileges afforded to a person holding

1 a second-rod stamp *or validation* issued pursuant to Section
 2 7149.4, ~~an ocean fishing~~ *or 7149.45, a sport fishing ocean*
 3 *enhancement stamp or validation* issued pursuant to paragraph (1)
 4 of subdivision (a) of Section 6596 *or 6596.1*, one steelhead trout
 5 report restoration card issued pursuant to Section 7380, a ~~striped~~
 6 ~~bass stamp~~ *Bay-Delta sport fishing enhancement stamp or*
 7 *validation* issued pursuant to Section 7360 *or 7360.1*, and a one
 8 salmon punch card issued pursuant to regulations adopted by the
 9 commission. *Lifetime privileges issued pursuant to this*
 10 *subdivision are not transferable.*

11 (f) *The base fees specified in this section are applicable*
 12 *commencing January 1, 2004, and shall be adjusted annually*
 13 *thereafter pursuant to Section 713.*

14 SEC. 19. *Section 7149.8 of the Fish and Game Code is*
 15 *amended to read:*

16 7149.8. (a) ~~It is unlawful for any person to take~~ *A person*
 17 *shall not take* abalone from ocean waters ~~without first obtaining~~
 18 *unless he or she first obtains*, in addition to a valid California
 19 ~~sportfishing~~ *sport fishing* license and any applicable license
 20 *validation or stamp* issued pursuant to ~~Section 7149 or 7149.05,~~
 21 ~~and Sections 7150 and 7151~~ *this code*, an abalone report card, and
 22 ~~having~~ *maintains* that report card in his or her possession while
 23 taking abalone. ~~The~~

24 (b) *The department or an authorized license agent shall issue an*
 25 *abalone report card upon payment of a fee of* ~~twelve dollars (\$12)~~
 26 *fifteen dollars (\$15) in the 2004 license year, which shall be*
 27 *adjusted annually thereafter pursuant to Section 713. A sport*
 28 *fishing license issued pursuant to paragraph (4) or paragraph (5)*
 29 *of subdivision (a) of Section 7149 is not subject to this subdivision.*

30 SEC. 20. *The heading of Article 4 (commencing with Section*
 31 *7360) of Chapter 2 of Part 2 of Division 6 of the Fish and Game*
 32 *Code is amended to read:*

33
 34 Article 4. ~~Striped Bass~~ *Bay-Delta Sport Fishing*
 35

36 SEC. 21. *Section 7360 of the Fish and Game Code is amended*
 37 *to read:*

38 7360. (a) ~~It is unlawful for any person to take striped bass in~~
 39 ~~any sport fishery without first obtaining~~ *A person shall not sport*
 40 *fish in the San Francisco Bay and Delta unless he or she first*

1 obtains, in addition to a valid California sport fishing license and
2 any applicable stamp issued pursuant to ~~Section 7149, a striped~~
3 ~~bass this code, a Bay-Delta sport fishing enhancement stamp and~~
4 ~~having that stamp affixed, and affixes that stamp to his or her valid~~
5 ~~sportfishing sport fishing license.~~

6 (b) The department or an authorized license agent shall issue a
7 ~~striped bass stamp upon payment of a fee of three dollars and fifty~~
8 ~~cents (\$3.50) Bay-Delta sport fishing enhancement stamp upon~~
9 ~~payment of a base fee of five dollars (\$5) in the 2004 license year,~~
10 ~~which shall be adjusted annually thereafter pursuant to Section~~
11 ~~713. A sports fishing license issued pursuant to paragraph (4) or~~
12 ~~paragraph (5) of subdivision (a) of Section 7149 is not subject to~~
13 ~~this subdivision.~~

14 (c) This section does not apply to licenses, permits,
15 reservations, tags, or other entitlements issued through the
16 Automated License Data System.

17 SEC. 22. Section 7360.1 of the Fish and Game Code is
18 amended to read:

19 7360.1. (a) ~~It is unlawful for any person to take striped bass~~
20 ~~in any sport fishery without first obtaining~~ A person shall not sport
21 fish in the San Francisco Bay-Delta unless he or she first obtains,
22 in addition to a valid California ~~sportfishing sport fishing~~ license
23 and any applicable validation issued pursuant to ~~Section 7149.05,~~
24 ~~a striped bass this code, a Bay-Delta sport fishing enhancement~~
25 ~~validation and having that validation affixed to his or her valid~~
26 ~~sportfishing, and affixes that validation to his or her valid sport~~
27 ~~fishing license.~~

28 (b) The department or an authorized license agent shall issue a
29 ~~striped bass Bay-Delta sport fishing enhancement validation upon~~
30 ~~payment of a fee of three dollars and fifty cents (\$3.50) base fee~~
31 ~~of five dollars (\$5), in the 2004 license year, which shall be~~
32 ~~adjusted annually thereafter pursuant to Section 713.~~

33 (c) This section applies only to licenses, permits, reservations,
34 tags, and other entitlements issued through the Automated License
35 Data System.

36 SEC. 23. Section 7361 of the Fish and Game Code is amended
37 to read:

38 7361. Fees received by the department pursuant to Sections
39 7360 and 7360.1 shall be deposited in a separate account in the Fish
40 and Game Preservation Fund. The department shall expend the

1 funds in that account ~~solely to increase the abundance of striped~~
2 ~~bass consistent with state and federal Endangered Species Act~~
3 ~~requirements, by producing striped bass and restoring their aquatic~~
4 ~~habitat, with the goal of restoring a self-sustaining, naturally~~
5 ~~reproducing Bay-Delta striped bass population, consistent with~~
6 ~~the striped bass policy goals established by the commission; and~~
7 ~~to fund any other recommendations made by the Striped Bass~~
8 ~~Stamp Fund Advisory Committee appointed pursuant to Section~~
9 ~~7362. Funds received pursuant to Sections 7360 and 7360.1 may~~
10 ~~not be used for striped bass production and restoration in lieu of~~
11 ~~annual funding from the sale of fishing licenses, from the Federal~~
12 ~~Aid in Sport Fish Restoration Act (16 U.S.C. Secs. 777 to 777i,~~
13 ~~inclusive) revenues, or from an appropriation by any statute in~~
14 ~~existence on January 1, 1998 only for the purposes of the~~
15 ~~Bay-Delta Sport Fishing Enhancement Program, to be enacted by~~
16 ~~the Legislature during the 2003-04 Regular Session. The funds~~
17 ~~may not be expended until that program is enacted.~~

18 SEC. 24. Section 7362 of the Fish and Game Code is repealed.

19 ~~7362. (a) The director shall appoint a Striped Bass Stamp~~
20 ~~Fund Advisory Committee, consisting of nine members. The~~
21 ~~members of the committee shall be selected from names of persons~~
22 ~~submitted by striped bass anglers and associations representing~~
23 ~~striped bass anglers of this state and shall serve at the discretion of~~
24 ~~the director. The director shall appoint persons to the committee~~
25 ~~who possess experience in subjects with specific value to the~~
26 ~~committee and shall attempt to balance the perspective of different~~
27 ~~groups of persons.~~

28 ~~(b) The advisory committee shall annually recommend to the~~
29 ~~department projects and budgets for the expenditure of revenue~~
30 ~~received pursuant to Sections 7360 and 7360.1. The department~~
31 ~~shall give full and complete consideration to the committee's~~
32 ~~recommendations. In submitting recommendations for the~~
33 ~~Governor's Budget, the department may recommend programs for~~
34 ~~funding that are not contained in the committee's~~
35 ~~recommendation, except that all revenue raised pursuant to~~
36 ~~Sections 7360 and 7360.1 shall be spent in accordance with~~
37 ~~Section 7361. The department shall notify the committee prior to~~
38 ~~placing funding provisions in the budget. The department shall~~
39 ~~submit to the committee an annual accounting of funds derived~~
40 ~~from striped bass stamps, including the number of stamps sold,~~

1 ~~funds generated and expended, and a status report of programs~~
2 ~~funded pursuant to this article.~~

3 *SEC. 25. Section 7363 of the Fish and Game Code is amended*
4 *to read:*

5 7363. This article shall remain in effect only until January 1,
6 2004 2009, and as of that date is repealed, unless a later enacted
7 statute that is enacted before January 1, 2004 2009, deletes or
8 extends that date.

9 *SEC. 26. Section 7380 of the Fish and Game Code is amended*
10 *to read:*

11 7380. (a) In addition to a valid California ~~sportfishing~~ *sport*
12 *fishing* license issued pursuant to Section 7149 or 7149.05 and any
13 applicable sport license stamp issued pursuant to this code, after
14 January 1, 1993, a person taking steelhead trout in inland waters
15 shall have in his or her possession a *valid* nontransferable steelhead
16 trout catch report-restoration card issued by the department. The
17 cardholder shall record certain fishing information on the card as
18 designated by the department. The information shall immediately
19 be recorded whenever the cardholder finishes fishing for the day,
20 moves to another river or stream, or retains steelhead trout. The
21 cardholder shall return the card to the department on a schedule or
22 date established by the department.

23 (b) ~~The cost of the card shall be three dollars (\$3), as adjusted~~
24 *base fee for the card shall be five dollars (\$5) for the 2004 license*
25 *year, which shall be adjusted annually thereafter* pursuant to
26 Section 713. The funds received by the department from the sale
27 of the card shall be deposited in the Fish and Game Preservation
28 Fund and shall be available for expenditure upon appropriation by
29 the Legislature. The department shall maintain the internal
30 accountability necessary to ensure that all restrictions and
31 requirements pertaining to the expenditure of these funds are met.

32 (c) The commission shall adopt regulations necessary to
33 implement this section. These regulations shall include, but not be
34 limited to, procedures necessary to obtain appropriate steelhead
35 trout resources management information, a requirement that the
36 card contain a statement explaining potential uses of the funds
37 received as authorized by Section 7381, and a requirement that the
38 cards be returned to the department.

39 *SEC. 27. Section 7852 of the Fish and Game Code is amended*
40 *to read:*

1 7852. (a) ~~Except as provided in subdivision (a) of Section~~
2 ~~7852.3, the~~ The department shall issue a commercial fishing
3 license ~~for a fee of fifty dollars (\$50) to any resident who is 16~~
4 ~~years of age or older, upon payment of a base fee of ninety-five~~
5 ~~dollars (\$95) for each resident vessel crewmember or resident~~
6 ~~vessel operator.~~

7 (b) ~~The department shall issue a commercial fishing license for~~
8 ~~a fee of ninety dollars (\$90) for each resident vessel operator. Any~~
9 ~~person who has a valid license issued pursuant to this subdivision~~
10 ~~that has not been suspended or revoked may also serve as a vessel~~
11 ~~crewmember. Unless all persons are licensed as nonresident~~
12 ~~operators or crewmembers pursuant to subdivision (c), at least one~~
13 ~~person aboard each commercial fishing vessel during any fishing~~
14 ~~operation shall have a commercial fishing license issued pursuant~~
15 ~~to this subdivision that has not been suspended or revoked.~~

16 (e) ~~The department shall issue a commercial fishing license for~~
17 ~~a fee of one hundred fifty dollars (\$150) to any nonresident who~~
18 ~~is 16 years of age or older, upon payment of a base fee of two~~
19 ~~hundred eighty-five dollars (\$285) for a nonresident vessel~~
20 ~~crewmember or nonresident vessel operator.~~

21 (c) ~~The base fees specified in this section are applicable to the~~
22 ~~2004 license year, and shall be adjusted annually thereafter~~
23 ~~pursuant to Section 713.~~

24 (d) ~~Nothing in this section affects any other provision of law~~
25 ~~relating to the employment of minors.~~

26 SEC. 28. ~~Section 7852.21 of the Fish and Game Code is~~
27 ~~repealed.~~

28 ~~7852.21. (a) Any person that has a valid resident~~
29 ~~crewmember commercial fishing license issued under subdivision~~
30 ~~(a) of Section 7852 that has not been suspended or revoked may~~
31 ~~upgrade that license to a resident operator commercial fishing~~
32 ~~license, as described in subdivision (b) of Section 7852, by~~
33 ~~obtaining a resident commercial fishing license upgrade stamp.~~

34 (b) ~~The department shall issue a resident commercial fishing~~
35 ~~license upgrade stamp upon payment of the fee for that stamp. The~~
36 ~~upgrade stamp fee shall be equal to the difference in the fee for the~~
37 ~~resident operator commercial fishing license issued pursuant to~~
38 ~~subdivision (a) of Section 7852 and the fee for the resident~~
39 ~~crewmember commercial fishing license issued pursuant to~~
40 ~~subdivision (b) of Section 7852.~~

~~(c) This section shall become operative on April 1, 1997.~~

SEC. 29. Section 7852.3 of the Fish and Game Code is repealed.

~~7852.3. (a) The department shall issue a commercial fishing license to a person who is 16 years of age or more but less than 18 years of age and who is actively assisting in fishing activities for a fee of thirty five dollars (\$35).~~

~~(b) Nothing in this section affects other provisions of law relating to employment of minors.~~

SEC. 30. Section 7881 of the Fish and Game Code is amended to read:

7881. (a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for commercial boat registration on forms provided by the department and shall be issued a registration number.

~~(b) Upon payment of a fee of two hundred dollars (\$200) by the resident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place.~~

~~(c) Upon payment of a fee of four hundred dollars (\$400) by the nonresident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place. A commercial boat registration may be issued to any resident owner or operator of a vessel upon payment of a base fee of two hundred fifty dollars (\$250). The commercial boat registration shall be carried aboard the vessel at all times and shall be posted in a conspicuous place.~~

(c) A commercial boat registration may be issued to any nonresident owner or operator of a vessel upon payment of a base fee of seven hundred fifty dollars (\$750). The commercial boat registration shall be carried aboard the vessel at all times and shall be posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the department.

(e) This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.

(f) *The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.*

SEC. 31. *Section 7921 of the Fish and Game Code is amended to read:*

7921. The base fee for a commercial passenger fishing boat license is two hundred fifty dollars ~~(\$200) and the (\$250) in the 2004 license year, which shall be adjusted annually thereafter pursuant to Section 713.~~ The commercial passenger fishing boat vessel license shall be issued to the holder of a commercial boat registration issued pursuant to Section 7881.

SEC. 32. *Section 7921.5 of the Fish and Game Code is repealed.*

~~7921.5. (a) Notwithstanding Section 7921 and except as provided in Section 7921.1, the fee for a license for a vessel, the owner or operator of which has acquired a stamp pursuant to Section 7860, shall be one hundred fifty dollars (\$150).~~

~~(b) This section shall become operative on April 1, 1995.~~

SEC. 33. *Section 8032 of the Fish and Game Code is amended to read:*

8032. (a) A commercial fish business license shall be issued which authorizes any or all activities described in Section 8033, 8034, 8035, or 8036. The annual fee for this license is one thousand dollars ~~(\$1,000) three hundred seventy-three dollars (\$1,373).~~

(b) Specialty licenses for part of, but not all, activities described in subdivision (a) shall be issued in five classes, as follows:

(1) Fish receivers license, issued to any person engaged in the business of receiving fish as provided in Section 8033.

(2) Marine aquaria receiver's license, issued to any person engaged in the business of receiving live marine species indigenous to California waters from a person required to be a licensed commercial fisherman for the purpose of wholesaling or retailing those species for pet industry or hobby purposes as provided in Section 8033.1.

(3) Fish processors license, issued to any person engaged in the business of processing fish as provided in Section 8034.

(4) Fish wholesalers license, issued to any person who is engaged in the business of wholesaling fish as provided in Section 8035.

(5) Fish importers license, issued to any person who is engaged in the business of importing fish as provided in Section 8036.

SEC. 34. Section 8033 of the Fish and Game Code is amended to read:

8033. (a) Except as provided in Section 8033.1 or 8033.5, or subdivision (c) of Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under Section 7850, or any person who removes fish from the point of the first landing that the person has caught for his or her own processing or sale, shall obtain a fish receiver's license.

(b) The annual fee for a fish receiver's license is ~~four hundred dollars (\$400)~~ *five hundred forty-nine dollars (\$549)*.

(c) A cooperative association of fishermen may be licensed as fish receivers.

SEC. 35. Section 8033.2 of the Fish and Game Code is amended to read:

8033.2. The annual fee for the marine aquaria receiver's license ~~shall be established by the department in an amount determined to be sufficient to pay the costs of administration and enforcement of Section 8033.1, Section 8043.1, and Article 19 (commencing with Section 8596) of Chapter 2. The fee shall be established in an amount not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000) is one thousand three hundred seventy-three dollars (\$1,373).~~

SEC. 36. Section 8033.5 of the Fish and Game Code is amended to read:

8033.5. (a) Any commercial fisherman who sells fish for other than marine aquaria pet trade or research purposes that he or she has taken to the ultimate consumer of that fish shall obtain a fisherman's retail license. The annual fee for a fisherman's retail license is ~~fifty dollars (\$50)~~ *sixty-nine dollars (\$69)*.

(b) Any person required to obtain a license under this section who engages in any activity described in Section 8033, 8034, 8035, or 8036 shall also obtain an appropriate license to engage in those activities.

1 *SEC. 37. Section 8034 of the Fish and Game Code is amended*
2 *to read:*

3 8034. (a) Any person who processes fish for profit shall
4 obtain a fish processor's license. The annual fee for a fish
5 processor's license is ~~four hundred dollars (\$400)~~ *five hundred*
6 *forty-nine dollars (\$549).*

7 (b) Any person required to obtain a license under this section
8 who takes his or her own fish shall also obtain a fish receiver's
9 license or a commercial fish business license.

10 ~~(c) This section shall become operative on January 1, 1993.~~

11 *SEC. 38. Section 8035 of the Fish and Game Code is amended*
12 *to read:*

13 8035. (a) ~~Excepting~~ *Except for* a person exempt under
14 Section 8030 or an importer licensed under Section 8036, any
15 person who, for the purpose of resale to other than the ultimate
16 consumer, purchases or obtains fish from another person, who is
17 required to be licensed as a fish receiver, fish processor, fish
18 importer, or fish wholesaler under this article, shall obtain a fish
19 wholesaler's license.

20 (b) The annual fee for a fish wholesaler's license is ~~two~~
21 ~~hundred seventy dollars (\$270)~~ *three hundred seventy-one dollars*
22 *(\$371).*

23 (c) This section does not apply to persons required to have a
24 marine aquaria receiver's license pursuant to Section 8033.1.

25 ~~This section shall become operative on January 1, 1993.~~

26 *SEC. 39. Section 8036 of the Fish and Game Code is amended*
27 *to read:*

28 8036. ~~(a)~~ Any person who purchases or receives fish, which
29 are taken outside of this state and brought into this state by a person
30 who is not a licensed commercial fisherman, for the purpose of
31 resale to other than the ultimate consumer shall obtain a fish
32 importer's license. The annual fee for a fish importer's license is
33 ~~four hundred dollars (\$400).~~

34 ~~(b) This section shall become operative on January 1, 1993~~ *five*
35 *hundred forty-nine dollars (\$549).*

36 *SEC. 40. Section 8039 is added to Fish and Game Code, to*
37 *read:*

38 8039. *The fees specified in this article are applicable to the*
39 *2004 license year and shall be adjusted annually thereafter*
40 *pursuant to Section 713.*

1 *SEC. 41. Section 13005 of the Fish and Game Code is*
2 *amended to read:*

3 13005. (a) Notwithstanding Section 13001, the ~~money fees~~
4 collected from ~~fees for~~ lifetime sportsman's licenses ~~under and~~
5 ~~privileges issued pursuant to~~ Section 714, lifetime hunting
6 licenses ~~under and privileges issued pursuant to~~ Section 3031.2,
7 and lifetime ~~sportfishing~~ sport fishing licenses—~~under and~~
8 ~~privileges issued pursuant to~~ Section 7149.2 shall be deposited as
9 follows:

10 (1) Twenty dollars (\$20) ~~for from the initial issuance of each~~
11 lifetime license issued shall be deposited in the Fish and Game
12 Preservation Fund for use in accordance with Section 711.

13 (2) The balance of the fees *collected* shall be deposited in the
14 Lifetime License Trust Account which is hereby created in the Fish
15 and Game Preservation Fund. Except as provided in this section,
16 that principal amount of the money in the account from the fee for
17 a lifetime license shall not be used, except for investment.

18 (b) The money in the Lifetime License Trust Account may be
19 transferred and invested through the Surplus Money Investment
20 Fund and all interest shall accrue to the account pursuant to
21 subdivision (g) of Section 16475 of the Government Code.

22 ~~(c) (1) Each year the department shall transfer from the~~
23 ~~Lifetime License Trust Account to the Fish and Game Preservation~~
24 ~~Fund an amount equal to the current amount of the annual resident~~
25 ~~hunting and the sportfishing license fee times the number of~~
26 ~~lifetime sportsman's licenses in force and effect on July 1 of that~~
27 ~~year.~~

28 ~~(2) Each year the department shall transfer from the Lifetime~~
29 ~~License Trust Account to the Fish and Game Preservation Fund an~~
30 ~~amount equal to the current amount of the annual resident~~
31 ~~sportfishing license fee times the number of lifetime sportfishing~~
32 ~~licenses in force and effect on July 1 of that year.~~

33 ~~(3) Each year the department shall transfer from the Lifetime~~
34 ~~License Trust Account to the Fish and Game Preservation Fund an~~
35 ~~amount equal to the current annual resident hunting license fee~~
36 ~~times the number of lifetime hunting licenses in force and effect~~
37 ~~that are held by hunters 16 years of age or older on July 1 of that~~
38 ~~year. In addition, each year the department shall transfer from the~~
39 ~~Lifetime License Trust Account to the Fish and Game Preservation~~
40 ~~Fund an amount equal to the current junior hunting license fee~~

~~times the number of lifetime hunting licenses in full force and effect that are held by hunters who are under 16 years of age on July 1 of that year.~~

~~(4) Upon receipt of the fee prescribed by subdivision (f) of Section 7149.2, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to~~ *Upon issuance of a lifetime license or lifetime privilege issued pursuant to Section 714, 3031.2, or 7149.2, the department shall transfer the following amounts from the Lifetime License Trust Account to the Fish and Game Preservation Fund:*

(1) Twenty-nine dollars and twenty-five cents (\$29.25) for an annual resident hunting license or an annual resident sport fishing license.

(2) Seven dollars and twenty-five cents (\$7.25) for a junior hunting license.

(3) Nine dollars and twenty-five cents (\$9.25) for one second-rod stamp or validation issued pursuant to Section 7149.4 or Section 7149.45,~~one ocean fishing.~~

(4) Two dollars and fifty cents (\$2.50) for one sport fishing ocean enhancement stamp or validation issued pursuant to paragraph (1) of subdivision (a) of Section 6596 or paragraph (1) of subdivision (a) of Section 6596.1,~~one striped bass.~~

(5) Three dollars and fifty cents (\$3.50) for one Bay-Delta sport fishing enhancement stamp or validation issued pursuant to Section 7360 or Section 7360.1,

(6) Three dollars and seventy-five cents (\$3.75) for one steelhead trout catch report-restoration card issued pursuant to Section 7380,~~and.~~

(7) One dollar (\$1) for one salmon punch card issued pursuant to regulations adopted by the commission. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (f) of Section 7149.2 in force and effect on January 1 of that year times the current fee for the ocean fishing enhancement stamp, steelhead trout catch report-restoration card, striped bass stamp, and salmon punch card. In addition, each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to 20 percent of the number of

1 ~~persons holding the additional fishing privileges prescribed in~~
2 ~~subdivision (f) of Section 7149.2 multiplied by the current fee for~~
3 ~~the second rod fishing stamp.~~

4 (5) ~~Upon receipt of the fee prescribed by subdivision (e) of~~
5 ~~Section 714, the department shall transfer into the appropriate~~
6 ~~account within the Fish and Game Preservation Fund an amount~~
7 ~~equal to one deer tag~~

8 (8) *Nineteen dollars and twenty-five cents (\$19.25) for a deer*
9 *tag application issued pursuant to subdivision (a) of Section 4332*
10 *and.*

11 (9) *Eight dollars and seventy-five cents (\$8.75) for five wild*
12 *pig tags issued pursuant to Section 4654. Each year the department*
13 *shall transfer from the Lifetime License Trust Account to the*
14 *appropriate account within the Fish and Game Preservation Fund*
15 *an amount equal to the number of persons holding the additional*
16 *privileges prescribed in subdivision (e) of Section 714 in force and*
17 *effect on July 1 of that year times the current fee for a deer tag*
18 *issued pursuant to subdivision (a) of Section 4332 and five wild*
19 *pig tags issued pursuant to Section 4654.*

20 (6) ~~Upon receipt of the fee prescribed by subdivision (f) of~~
21 ~~Section 714, the department shall transfer into the appropriate~~
22 ~~account within the Fish and Game Preservation Fund an amount~~
23 ~~equal to~~

24 (10) *Ten dollars (\$10) for one state duck stamp or hunting*
25 *validation issued pursuant to Section 3700 or 3700.1 and.*

26 (11) *Six dollars and twenty-five cents (\$6.25) for one upland*
27 *game bird stamp or hunting validation issued pursuant to Section*
28 *3682 or 3682.1. Each year the department shall transfer from the*
29 *Lifetime License Trust Account to the appropriate account within*
30 *the Fish and Game Preservation Fund an amount equal to the*
31 *number of persons holding the additional privileges prescribed in*
32 *subdivision (f) of Section 714 in force and effect on July 1 of that*
33 *year times the current fee for state duck hunting validations issued*
34 *pursuant to subdivision (a) of Section 3700 and upland game bird*
35 *hunting validations issued pursuant to Section 3682.*

36 SEC. 42. *Section 15101 of the Fish and Game Code is*
37 *amended to read:*

38 15101. (a) The owner of each aquaculture facility shall
39 register all of the following information with the department by
40 March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose, may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a registration fee of ~~four hundred dollars (\$400)~~ *five hundred forty-nine dollars (\$549)* to recover the cost of reviewing new registrations. For renewing registrations, the department shall impose a registration fee of ~~two hundred dollars (\$200)~~ *seventy-five dollars (\$275)*. It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section. *The registration fees specified in this section are applicable to the 2004 registration year and shall be adjusted annually thereafter pursuant to Section 713.*

(c) The annual registration of information required by subdivision (b) is not a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 43. Section 15103 of the Fish and Game Code is amended to read:

15103. (a) In addition to the fees specified in Section 15101, a surcharge fee of ~~three hundred dollars (\$300)~~ *four hundred twelve dollars (\$412)* shall be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed twenty-five thousand dollars (\$25,000).

(b) Each registered aquaculturist shall maintain sales and production records which shall be made available upon request of the department to assist the department in the administration of this chapter.

(c) Any person who fails to pay the surcharge fee required in this section at the time of registration shall be assessed a delinquency penalty in an amount equal to the fees prescribed in subdivision (a).

(d) The surcharge imposed pursuant to this section shall be adjusted annually pursuant to Section 713.

SEC. 44. Section 2200.5 is added to the Public Resources Code, to read:

1 2200.5. *For the purposes of this chapter, “lead agency”*
2 *means the city, county, San Francisco Bay Conservation and*
3 *Development Commission, or the board that has the principal*
4 *responsibility for approving a surface mining operation or*
5 *reclamation plan pursuant to Chapter 9 (commencing with Section*
6 *2710).*

7 SEC. 45. *Section 2699.5 of the Public Resources Code is*
8 *amended to read:*

9 2699.5. (a) There is hereby created the *Strong-Motion*
10 *Instrumentation and Seismic Hazards Identification Mapping*
11 *Fund, as a special fund in the State Treasury. Notwithstanding*
12 *Section 13340 of the Government Code, the moneys in the fund*
13 *are continuously appropriated to the division for the purposes of*
14 *this chapter.*

15 (b) ~~Notwithstanding Section 5001 of the Insurance Code,~~
16 ~~one-half of 1 percent of the earthquake surcharge moneys received~~
17 ~~by the California Residential Earthquake Recovery Fund in any~~
18 ~~calendar year shall be transferred to the Seismic Hazards~~
19 ~~Identification Fund for the purposes of carrying out this chapter.~~
20 ~~This subdivision shall become operative only if Assembly Bill~~
21 ~~3913 or Senate Bill 2902 of the 1989-90 Regular Session of the~~
22 ~~Legislature is enacted and takes effect. Upon appropriation by the~~
23 ~~Legislature, the moneys in the Strong-Motion Instrumentation and~~
24 ~~Seismic Hazards Mapping Fund shall be allocated to the division~~
25 ~~for purposes of this chapter and Chapter 8 (commencing with~~
26 ~~Section 2700).~~

27 SEC. 46. *Section 2705 of the Public Resources Code is*
28 *amended to read:*

29 2705. (a) ~~All counties~~ *Counties* and cities shall collect a fee
30 from each applicant for a building permit. Each ~~such~~ fee shall be
31 equal to a specific amount of the proposed building construction
32 for which the building permit is issued as determined by the local
33 building officials. The fee amount shall be assessed in the
34 following way:

35 (1) Group R occupancies, as defined in the 1985 Uniform
36 Building Code and adopted in Part 2 (commencing with Section
37 2-101) of Title 24 of the California Code of Regulations, one to
38 three stories in height, except hotels and motels, shall be assessed
39 at the rate of ten dollars (\$10) per one hundred thousand dollars
40 (\$100,000), with appropriate fractions thereof. ~~Of the amount~~

~~assessed, three dollars (\$3) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, shall be deposited in the Seismic Hazards Identification Fund.~~

(2) All other buildings shall be assessed at the rate of twenty-one dollars (\$21) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof. ~~Of the amount assessed, six dollars (\$6) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, shall be deposited in the Seismic Hazards Identification Fund.~~

(3) The fee shall be the amount assessed under paragraph (1) or (2), depending on building type, or fifty cents (\$0.50), whichever is the higher.

(b) (1) In lieu of the requirements of subdivision (a), a county or city may elect to include a rate of ten dollars (\$10) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, in its basic building permit fee for any Group R occupancy defined in paragraph (1) of subdivision (a), and a rate of twenty-one dollars (\$21) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, for all other building types. ~~If collection of the fee is made pursuant to this subdivision, the amount of the fees required to be deposited in the Strong-Motion Instrumentation Special Fund pursuant to Section 2706 shall be equal to the sum of 0.007 percent of the total valuation of any Group R occupancy defined in paragraph (1) of subdivision (a), plus 0.015 percent of the total valuation of all other building types, for which building permits were issued during the accounting period. The remaining amount of fees shall be deposited in the Seismic Hazards Identification Fund pursuant to Section 2699.5.~~ A county or city electing to collect the fee pursuant to this subdivision need not segregate the fees in a fund separate from any fund into which basic building permit fees are deposited.

(2) “Building,” for the purpose of this chapter, is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(c) (1) A city or county may retain up to 5 percent of the total amount it collects under subdivision (a) or (b) for data utilization, for seismic education incorporating data interpretations from data of the strong-motion instrumentation program and the seismic hazards mapping program, and, in accordance with paragraph (2),

1 for improving the preparation for damage assessment after strong
2 seismic motion events.

3 (2) A city or county may use any funds retained pursuant to this
4 subdivision to improve the preparation for damage assessment in
5 its jurisdiction only after it provides the Department of
6 Conservation with information indicating to the department that
7 data utilization and seismic education activities have been
8 adequately funded.

9 (d) *Funds collected pursuant to subdivision (a) and (b), less the*
10 *amount retained pursuant to subdivision (c), shall be deposited in*
11 *the Strong-Motion Instrumentation and Seismic Hazards Mapping*
12 *Fund, as created by Section 2699.5.*

13 *SEC. 47. Section 2705.5 of the Public Resources Code is*
14 *amended to read:*

15 2705.5. The Division of Mines and Geology shall advise all
16 counties and cities as to that portion of the total fees charged
17 pursuant to Section 2705 which is to be deposited in allocated to
18 the Strong-Motion Instrumentation and Seismic Hazards
19 Identification Mapping Fund, so that this information may be
20 provided to building permit applicants.

21 *SEC. 48. Section 2706 of the Public Resources Code is*
22 *amended to read:*

23 2706. ~~(a) All fees~~ *Funds collected pursuant to subdivision*
24 *(a) and (b) of Section 2705, less the amount retained pursuant to*
25 *subdivision (c) of Section 2705, except for those fees required to*
26 *be deposited in the Seismic Hazards Identification Fund pursuant*
27 *to Section 2705, shall be deposited in the State Treasury in the*
28 *Strong-Motion Instrumentation Special and Seismic Hazards*
29 *Mapping Fund, which fund is hereby created as created by Section*
30 *2699.5, to be used exclusively for the purposes of this chapter and*
31 *Chapter 7.8 (commencing with Section 2690. All moneys in that*
32 *fund are continuously appropriated to the division for the purposes*
33 *of this chapter.*

34 ~~(b) This section shall become operative April 1, 1991.~~

35 *SEC. 49. Section 2709.1 of the Public Resources Code is*
36 *amended to read:*

37 2709.1. (a) ~~After January 1, 1988, no~~ *No* strong-motion
38 instrumentation shall be installed pursuant to this chapter in the
39 structural types identified in subdivision (b) unless funds
40 proportionate to the construction value as called for under Section

2705 are received from organizations or entities representing these structural types, or the instrumentation is specifically called for by the Seismic Safety Commission in urgency situations.

(b) The structural types subject to this section include all of the following:

- (1) Hospitals.
- (2) Dams.
- (3) Bridges.
- (4) Schools.
- (5) Powerplants.

(c) The ~~Strong-Motion Instrumentation Special Fund~~ *Strong-Motion Instrumentation and Seismic Hazards Mapping Fund* may accept funds from sources other than the permit fees identified in this chapter. The priority of installations performed under this chapter shall be determined by the Seismic Safety Commission.

SEC. 50. Section 3109 of the Public Resources Code is amended to read:

3109. The supervisor may publish any publications, reports, maps, or other printed matter relating to oil and gas, for which there may be public demand. If these publications, reports, maps, or other printed matter are sold, they shall be sold at cost, and the proceeds shall be deposited to the credit of the ~~General Fund~~ *Oil, Gas, and Geothermal Administrative Fund*.

SEC. 51. Section 3110 of the Public Resources Code is amended to read:

3110. All money paid to the ~~State~~ Treasurer pursuant to Article 7 (commencing with Section 3400) shall be deposited to the credit of the ~~General Fund~~ *Oil, Gas, and Geothermal Administrative Fund, which is hereby established in the State Treasury*, for expenditure as provided in Section 3401.

SEC. 52. Section 3111 of the Public Resources Code is amended to read:

3111. (a) All money received in repayment of repair work done as provided in this chapter shall be returned and credited to the ~~General Fund~~ *Oil, Gas, and Geothermal Administrative Fund* for expenditure as provided in Section 3401.

(b) All miscellaneous revenues from oil and gas wells and from real and personal property acquired by the supervisor in the course of carrying out this chapter shall be credited to the ~~General Fund~~

1 *Oil, Gas, and Geothermal Administrative Fund* for expenditure as
2 provided in Section 3401.

3 *SEC. 53. Section 3236.5 of the Public Resources Code is*
4 *amended to read:*

5 3236.5. (a) Any person who violates this chapter or any
6 regulation implementing this chapter is subject to a civil penalty
7 not to exceed five thousand dollars (\$5,000) for each violation.
8 Acts of God, and acts of vandalism beyond the reasonable control
9 of the operator, shall not be considered a violation. The civil
10 penalty shall be imposed by an order of the supervisor upon a
11 determination that a violation has been committed by the person
12 charged, following notice to the person and an opportunity to be
13 heard. The notice shall be served by personal service or certified
14 mail, and shall inform the alleged violator of the date, time, and
15 place of the hearing, the activity that is alleged to be a violation,
16 the statute or regulation violated, and the hearing and judicial
17 review procedures. The notice shall be provided at least 30 days
18 before the hearing. The hearing shall be held before the supervisor
19 or the supervisor's designee in Sacramento or in the district in
20 which the violation occurred. The hearing ~~need~~ *is not required to*
21 *be conducted pursuant to Chapter 5 (commencing with Section*
22 *11500) of Part 1 of Division 3 of Title 2 of the Government Code.*
23 The imposition of a civil penalty under this section shall be in
24 addition to any other penalty provided by law for the violation.
25 When establishing the amount of the civil penalty pursuant to this
26 section, the supervisor shall consider, in addition to other relevant
27 circumstances, (1) the extent of harm caused by the violation, (2)
28 the persistence of the violation, (3) the pervasiveness of the
29 violation, and (4) the number of prior violations by the same
30 violator.

31 (b) Notwithstanding ~~any other provision of~~ this chapter, an
32 order of the supervisor imposing a civil penalty shall not be
33 reviewable pursuant to Article 6 (commencing with Section
34 3350). A person upon whom a civil penalty is imposed by a final
35 order of the supervisor may obtain judicial review of that final
36 order by seeking a writ of mandate pursuant to Section 1094.5 of
37 the Code of Civil Procedure within 30 days of the date of that final
38 order. When the order of the supervisor has become final, and the
39 penalty has not been paid, the supervisor may apply to the
40 appropriate superior court for an order directing payment of the

1 civil penalty. The supervisor may also seek from the court an order
2 directing that production from the well operations that are the
3 subject of the civil penalty order is discontinued until the violation
4 has been remedied to the satisfaction of the supervisor, and the
5 civil penalty has been paid.

6 (c) Any amount collected under this section shall be deposited
7 in the ~~General Fund~~ Oil, Gas, and Geothermal Administrative
8 Fund.

9 SEC. 54. Section 3343 of the Public Resources Code is
10 amended to read:

11 3343. (a) Any person who willfully violates any provision of
12 this article or any rule, regulation or order of the supervisor, shall
13 be subject to a penalty of one thousand dollars (\$1,000) for each
14 act of violation and for each day that ~~such~~ the violation continues.

15 (b) The penalty provided in this section shall be recoverable by
16 suit filed by the Attorney General in the name and on behalf of the
17 supervisor in the superior court of the State of California for the
18 county in which the defendant resides, or in which any defendant
19 resides, if there be more than one defendant, or in the superior
20 court of any county in which the violation occurred. The payment
21 of ~~any such~~ the penalty shall not operate to relieve a person on
22 whom the penalty is imposed from liability to any other person for
23 damages arising out of ~~such~~ the violation. ~~Such~~ The penalty, when
24 recovered, shall be paid to the State Treasurer and shall be
25 deposited to the credit of the ~~General Fund~~ Oil, Gas, and
26 Geothermal Administrative Fund.

27 (c) Any person knowingly aiding or abetting any other person
28 in the violation of any provision of this article, or any rule,
29 regulation or order of the supervisor shall be subject to the same
30 penalty as that prescribed by this section for the violation by ~~such~~
31 the other person.

32 SEC. 55. Section 3358 of the Public Resources Code is
33 amended to read:

34 3358. Witnesses shall be entitled to receive the fees and
35 mileage fixed by law in civil causes, payable from the ~~General~~
36 ~~Fund~~ Oil, Gas, and Geothermal Administrative Fund.

37 SEC. 56. Section 3719 of the Public Resources Code is
38 amended to read:

39 3719. The supervisor shall publish any publications, reports,
40 maps, statistical data or other printed matter relating to geothermal

1 resources, for which there may be public demand. If these
2 publications, reports, maps, statistical data or other printed matter
3 are sold, they shall be sold at cost, and the proceeds shall be
4 deposited in the ~~General Fund~~ Oil, Gas, and Geothermal
5 Administrative Fund.

6 *SEC. 57. Section 3724.6 of the Public Resources Code is*
7 *amended to read:*

8 3724.6. The permit application fees established in Sections
9 3724 and 3724.1 shall be made payable by the operator to the
10 Department of Conservation, and the annual well fee established
11 in accordance with Section 3724.5 shall be made payable to the
12 Treasurer. The proceeds from the permit applications and the
13 annual well fees shall be deposited in the ~~General Fund~~ Oil, Gas,
14 and Geothermal Administrative Fund, and shall be available for
15 appropriation exclusively for the supervision of geothermal
16 resource wells.

17 *SEC. 58. Section 3754.5 of the Public Resources Code is*
18 *amended to read:*

19 3754.5. (a) Any person who violates this chapter or any
20 regulation implementing this chapter is subject to a civil penalty
21 not to exceed five thousand dollars (\$5,000) for each violation.
22 Acts of God, and acts of vandalism beyond the reasonable control
23 of the operator, shall not be considered a violation. The civil
24 penalty shall be imposed by an order of the supervisor upon a
25 determination that a violation has been committed by the person
26 charged, following notice to the person and an opportunity to be
27 heard. The imposition of a civil penalty under this section shall be
28 in addition to any other penalty provided by law for the violation.
29 When establishing the amount of civil liability pursuant to this
30 section, the supervisor shall consider, in addition to other relevant
31 circumstances, (1) the extent of harm caused by the violation, (2)
32 the persistence of the violation, and (3) the number of prior
33 violations by the same violator.

34 (b) An order of the supervisor imposing a civil penalty shall be
35 reviewable pursuant to Sections 3762 to 3771, inclusive. When the
36 order of the supervisor has become final or has been upheld
37 following exhaustion of the applicable review procedures, the
38 supervisor may apply to the appropriate superior court for an order
39 directing payment of the civil penalty.

(c) Any amount collected under this section shall be deposited in the ~~General Fund~~ Oil, Gas, and Geothermal Administrative Fund.

SEC. 59. Section 3770 of the Public Resources Code is amended to read:

3770. Witnesses shall be entitled to receive the fees and mileage fixed by law in civil causes, payable from the ~~General Fund~~ Oil, Gas, and Geothermal Administrative Fund.

SEC. 60. Section 3776 of the Public Resources Code is amended to read:

3776. Payment of the penalties and charges, or the amount of the judgment recovered in the action, shall be made to the State Treasurer, and shall be returned and credited to the ~~General Fund~~ Oil, Gas, and Geothermal Administrative Fund.

SEC. 61. Section 5006.1 of the Public Resources Code is amended to read:

5006.1. (a) (1) Prior to submitting a proposal pursuant to subdivision (f) of Section 5006, for an appropriation for the acquisition of real property in excess of five million dollars (\$5,000,000) in value for any state park system project, the department shall hold a public hearing within the county in which the proposed project is located at which interested members of the public may comment on the proposed project. Notice of the hearing shall be published at least twice in a newspaper of general circulation within that county.

(2) (A) The department shall provide written notice of its intent to acquire the real property to the city or county, or both, having jurisdiction over the property, *to the members of the Legislature who are the chair and vice chair of the joint legislative budget committee, the chair of the budget subcommittee in each house having jurisdiction over resources, the chair in each house of the appropriate legislative policy committee, and the legislators within whose district the property proposed for acquisition is located*, as early as possible in the acquisition process, but not less than 90 days from the date of acquisition. Within 30 days of receipt of the receiving written notice ~~by the city or county, or both, notifying the city or county, or both,~~ of the proposed acquisition, a member of the city council or board of supervisors of the respective city or county, *or a Member of the Legislature who has been notified pursuant to this subparagraph*, may request that the

1 department to hold a public hearing regarding the acquisition of
2 the property, if the acquisition is between five hundred thousand
3 dollars (\$500,000) and five million dollars (\$5,000,000).

4 (B) The written notice of intent shall describe any potential
5 impact that the acquisition may have on the department's efforts
6 to provide park and recreational opportunities.

7 (b) With respect to real property in excess of five million
8 dollars (\$5,000,000) that is not proposed to be acquired pursuant
9 to subdivision (f) of Section 5006, the department shall hold a
10 public hearing within the county in which the real property is
11 located, at which interested members of the public may comment
12 on the proposed acquisition. Notice of the hearing shall be
13 published at least twice in a newspaper of general circulation
14 within the county. The department shall provide written notice of
15 its intent to acquire the real property to the city or county, or both,
16 having jurisdiction over the property, as early as possible in the
17 acquisition process.

18 (c) This section does not apply to any real property to be
19 acquired by grant, gift, devise, or bequest.

20 *SEC. 62. Section 5015.6 is added to the Public Resources*
21 *Code, to read:*

22 *5015.6. In recognition of the late Ed Z'berg's many*
23 *contributions to the growth and improvement of the state park*
24 *system, Sugar Pine Point State Park is hereby designated and shall*
25 *be known as the Ed Z'berg Sugar Pine Point State Park.*

26 *SEC. 63. Section 5627 of the Public Resources Code is*
27 *amended to read:*

28 5627. (a) Grant moneys received pursuant to this chapter
29 shall be expended for high priority projects that satisfy the most
30 urgent park and recreation needs, with emphasis on unmet needs
31 in the most heavily populated and most economically
32 disadvantaged areas within each jurisdiction.

33 (b) Grants received pursuant to this chapter shall be expended
34 only for acquisition, development, or both, except that not more
35 than 30 percent of the amount received by a city, county, or district
36 in an annual period may be utilized for special major maintenance
37 projects, provided the projects are related to land acquired or
38 developed, or both, in whole or in part, with state moneys under
39 this chapter, or for innovative recreation programs, or for both.

1 (c) Grants to cities, counties, and districts pursuant to this
2 chapter shall be on the basis of 70 percent state money and 30
3 percent local matching money, not less than one-third of which
4 shall be from private or nonstate sources of funds, for the project.
5 Grants for acquisition shall be matched only by money or property
6 donated to be part of the acquisition project. Grants for
7 development may be matched by monetary contributions or, if
8 nonmonetary contributions, as provided in regulations and
9 standards which shall be established by the director after a public
10 hearing. The component of local matching money consisting of
11 funds from private or nonstate sources may, at the option of the
12 grant recipient, be calculated as a percentage of the total amount
13 granted in that fiscal year to a grant recipient, rather than on a
14 project-by-project basis.

15 (d) The component of local matching money from private or
16 nonstate sources required by subdivision (c) may be in the form of
17 and include, but is not limited to, the following: cash donations,
18 gifts of real property, equipment, and consumable supplies,
19 volunteer services, free or reduced-cost use of lands, facilities, or
20 equipment, and bequests and earnings from wills, estates, and
21 trusts. Funds from nonstate sources that qualify for the purposes
22 of subdivision (c) are funds from the federal government and local
23 public agencies other than the grant recipient. Real property, cash,
24 or other assets required to be transferred to a public agency
25 pursuant to Section 66477 of the Government Code or any other
26 provision of law ~~shall~~ may not qualify as funds from a private or
27 nonstate source; however, they shall qualify as the monetary or
28 nonmonetary contribution required to be furnished by the grant
29 recipient pursuant to subdivision (c).

30 (e) The grant recipient shall certify to the department that there
31 is available, or will become available prior to the encumbrance of
32 any state funds for any work on the project for which application
33 for a grant has been made, matching money from private or
34 nonstate sources. Certification of the source and amount of
35 nonstate funds shall be set forth in the application for a grant
36 submitted to the department. However, in recognition of the fact
37 that raising private funds frequently requires an initial evidence of
38 matching public funds, the certification of the source and amount
39 of the private funds shall be made by the applicant at least 30 days
40 prior to actual release of state funds.



1 (f) Local matching money ~~shall~~ *may* not be required with
2 respect to an applicant that has urgent unmet needs for recreational
3 lands or facilities, and lacks the financial resources to acquire or
4 develop recreational lands or facilities, as determined pursuant to
5 a formula set forth in regulations adopted by the director after a
6 public hearing. In addition, with respect to applications for grants
7 submitted for areas where private financial resources are of limited
8 availability or submitted for projects or programs that are not of
9 a type likely to attract private funds, the director shall, if the project
10 conforms to regulations adopted by the department, waive the
11 requirement that at least one-third of local matching money be
12 from private sources. The regulations shall establish criteria and
13 procedures for the waiver. These criteria may provide for
14 consideration of the average per capita income, unemployment
15 rate, crime rate, and recent history of plant or business closures in
16 the area of the applicant's jurisdiction where the grant will be
17 expended.

18 (g) *Notwithstanding subdivisions (c), (d), (e), and (f), funds*
19 *from the California Clean Water, Clean Air, Safe Neighborhood*
20 *Parks, and Coastal Protection Act of 2002 (Chapter 1.696*
21 *(commencing with Section 5096.600)) that are or have been*
22 *appropriated on or before June 30, 2004 for the purposes of this*
23 *chapter do not require local matching money.*

24 SEC. 64. Section 6217 of the Public Resources Code is
25 amended to read:

26 6217. (a) With the exception of revenue derived from state
27 school lands and from sources described in Sections 6217.6,
28 6301.5, 6301.6, 6855, and Sections 8551 to 8558, inclusive, and
29 Section 6404 (insofar as the proceeds are from property that has
30 been distributed or escheated to the state in connection with
31 unclaimed estates of deceased persons), the commission shall
32 deposit all revenue, money, and remittances received by the
33 commission under this division, and under Chapter 138 of the
34 Statutes of 1964, First Extraordinary Session, in the General Fund.
35 Out of those funds deposited in the General Fund, sufficient
36 moneys shall be made available each fiscal year for the following
37 purposes:

38 (1) Payment of refunds, authorized by the commission, out of
39 appropriations made for that purpose.



1 (2) Payment of expenditures of the commission as provided in
2 the annual Budget Act.

3 (3) Payments to cities and counties of the amounts specified in
4 Section 6817 for the purposes specified in that section, out of
5 appropriations made for that purpose.

6 (4) Payments to cities and counties of the amounts agreed to
7 pursuant to Section 6875, out of appropriations made for that
8 purpose.

9 (b) This section shall become operative on July 1, ~~2003~~ 2006.

10 *SEC. 65. Section 34000 of the Public Resources Code is*
11 *amended to read:*

12 34000. Money deposited in the Bosco-Keene Renewable
13 Resources Investment Fund created by former Section 7150.6 of
14 the Fish and Game Code may be encumbered, pursuant to
15 appropriation by the Legislature, only for the following purposes:

16 (a) Salmon and steelhead hatchery expansion and fish habitat
17 improvement.

18 (b) Forest resource improvement projects pursuant to the
19 California Forest Improvement Act of 1978.

20 (c) Urban forestry projects pursuant to the California Urban
21 Forestry Act of 1978.

22 (d) Agricultural soil drainage programs which will retard
23 desertification and protect agricultural productivity.

24 (e) Support of technical assistance programs which will
25 prevent soil erosion.

26 (f) Agricultural, industrial, and urban water conservation
27 programs.

28 (g) Wildland fire prevention programs pursuant to the
29 Wildland Fire Protection and Resources Management Act of 1978,
30 Article 1 (commencing with Section 4461) and Article 2
31 (commencing with Section 4475) of Chapter 7 of Part 2 of
32 Division 4.

33 (h) Coastal resource enhancement projects pursuant to Chapter
34 6 (commencing with Section 31251) of Division 21.

35 (i) *Regulation and oversight of surface mining activities*
36 *pursuant to the Surface Mining and Reclamation Act of 1975*
37 *(Chapter 9 (commencing with Section 2710) of Division 2).*

38 *SEC. 66. Section 37022 of the Public Resources Code is*
39 *amended to read:*

1 37022. (a) No more than a total of one hundred million
2 dollars (\$100,000,000) in tax credits may be awarded pursuant to
3 this division.

4 (b) Tax credits may be awarded pursuant to this division in the
5 fiscal years 2000–01, 2001–02, 2002–03, 2003–04, and 2004–05.
6 No tax credits may be awarded subsequent to fiscal year 2004–05
7 without further statutory authorization.

8 (c) In addition to the limitations in subdivisions (a) and (b), no
9 tax credits may be awarded pursuant to this division between July
10 1, 2002, and June 30, ~~2003~~ 2004, inclusive. Any amounts that
11 would have been awarded pursuant to this division ~~in the 2002–03~~
12 ~~fiscal year~~, but for the application of the preceding sentence, may
13 be awarded ~~in the 2003–04 fiscal year and the remainder, if any,~~
14 ~~in the 2004–05 fiscal year between July 1, 2004, and December 31,~~
15 ~~2005, inclusive.~~

16 *SEC. 67. Section 6307 of the Water Code is amended to read:*
17 6307. (a) (1) *The department shall adopt, by regulation, a*
18 *schedule of fees to cover the department's costs in carrying out the*
19 *supervision of dam safety.*

20 (2) *The revenue generated by the fees imposed under this*
21 *section shall be adjusted periodically for cost-of-living increases.*
22 *If the director determines that the revenue collected during the*
23 *preceding fiscal year was greater or less than the cost to operate*
24 *the program, the director shall adjust the fees to compensate for*
25 *the overcollection or undercollection of revenue. The department*
26 *shall provide a schedule of fees to the Legislature and to every dam*
27 *owner that has a permit or has applied for a permit, when any*
28 *adjustment is made to the fees under this section.*

29 (b) (1) An annual fee shall be paid on or before December 31,
30 ~~1970~~ 2003, and on or before December 31 of each succeeding
31 year, based upon the height of the dam, *and the total storage*
32 *capacity*, including all enlargements thereto, substantially
33 completed by or in operation on June 30, ~~1970~~ 2003, and on June
34 30 of each succeeding year. ~~The~~

35 (2) *The annual fee shall be one hundred fifty dollars (\$150) plus*
36 *sixteen dollars (\$16) per foot of height of the dam.*

37 ~~(2) The annual fee shall be increased pursuant to the following~~
38 ~~schedule:~~

Calendar Year	Fee Per Dam	Fee Per Foot of Height
—1995	\$175	\$20
—1997	\$200	\$24

~~(b)~~ two hundred dollars (\$200) per dam, plus sixty dollars (\$60) per foot of height and twenty cents (\$0.20) per acre-foot of total storage capacity. This fee shall be periodically adjusted, as described in subdivision (a).

(3) A penalty in the amount of 15 percent of the annual fee, plus interest, shall be imposed for fees received after December 31 in any year.

(c) For the purposes of this section, “height of the dam” means the vertical distance, to the nearest foot, from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, as determined by the department, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation.

~~(e)~~

(d) For purposes of this section, “total storage capacity” means the volume, to the nearest acre-foot, that the reservoir is capable of impounding from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or, if it is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier, as determined by the department, to the maximum possible water storage elevation.

(e) Notwithstanding subdivision ~~(a)~~ (b), the department shall limit the total annual fee per dam to not more than seventy-five dollars (\$75) if both of the following apply:

(1) The dam has a storage capacity of not more than 100 acre-feet.

(2) The governing body of a private school or the governing board of a public school certifies that the dam is used as a subject of study by its students.

~~(d) (1) Dams~~

(f) (1) Notwithstanding subdivision (b), the department shall limit the total annual fee for dams or reservoirs located on farms or ranch properties ~~shall be assessed an annual fee in the amount~~

1 ~~set forth in paragraph (1) of subdivision (a) and are exempt from~~
2 ~~the annual fee increases set forth in paragraph (2) of subdivision~~
3 ~~(a) to one hundred fifty dollars (\$150) per dam, and sixteen dollars~~
4 ~~(\$16) per foot of height.~~

5 (2) For purposes of this subdivision, “farm” has the same
6 meaning as defined in Section 52262 of the Food and Agricultural
7 Code.

8 ~~(e) (1) Except as provided in subdivision (e), privately~~

9 (g) (1) Privately owned dams with less than 100 acre-feet of
10 storage capacity shall be assessed an annual fee in accordance with
11 paragraph (1) of subdivision (a) ~~and are exempt from the annual~~
12 ~~fee increases set forth in paragraph (2) of subdivision (a) (f).~~

13 (2) As used in this subdivision, “privately owned” does not
14 include dams owned by municipalities, water districts or
15 companies, irrigation districts, private, investor owned or publicly
16 owned utilities, or public agencies.

17 SEC. 68. Section 6308 of the Water Code is amended to read:

18 6308. All fees ~~and other charges collected under this part shall~~
19 ~~be paid into the State Treasury immediately after the department~~
20 ~~has certified as to the correctness of the amounts received and~~
21 ~~made any adjustments necessary, and shall be used by the~~
22 ~~department, upon appropriation, to carry out this part, penalties,~~
23 ~~interest, fines, or charges collected by the department under this~~
24 ~~division shall be deposited in the Dam Safety Fund, which is~~
25 ~~hereby established in the State Treasury. The money in that fund~~
26 ~~shall be available to the department, upon appropriation by the~~
27 ~~Legislature, for the administration of the dam safety program.~~

28 SEC. 69. Section 6308.5 of the Water Code is repealed.

29 ~~6308.5. Notwithstanding Section 6308, the first fifty~~
30 ~~thousand dollars (\$50,000) derived from the fees and charges and~~
31 ~~received each year shall be deposited in the Strong-Motion~~
32 ~~Instrumentation Special Fund created by Section 2706 of the~~
33 ~~Public Resources Code and shall be used for the instrumentation~~
34 ~~of dams as part of the Strong-Motion Instrumentation Program~~
35 ~~pursuant to Chapter 8 (commencing with Section 2700) of~~
36 ~~Division 2 of the Public Resources Code.~~

37 SEC. 70. Section 6309 of the Water Code is amended to read:

38 6309. The fees provided for in this ~~article~~ chapter shall be
39 required of ~~all enumerated in the definition of owner in Chapter 1~~
40 ~~of this part~~ any “owner,” as defined in Section 6005.

1 *SEC. 71. Section 79505.5 is added to the Water Code, to read:*
2 *79505.5. As used in this division, the following terms shall*
3 *have the following meanings:*

4 *(a) "Disadvantaged community" means a community with an*
5 *annual median household income that is less than 80 percent of the*
6 *statewide annual median household income.*

7 *(b) "Matching funds" means funds made available by nonstate*
8 *sources, which may include, but are not limited to, donated*
9 *services from nonstate sources.*

10 *SEC. 72. Section 79505.6 is added to the Water Code, to read:*

11 *79505.6. (a) (1) By March 15, 2004, each state agency*
12 *disbursing grants or loans pursuant to this division shall develop*
13 *project solicitation and evaluation guidelines. The guidelines may*
14 *include a limitation on the size of grants or loans to be awarded.*

15 *(2) Prior to disbursing grants, each state agency shall conduct*
16 *two public meetings to consider public comments prior to*
17 *finalizing the guidelines. Each state agency shall publish the draft*
18 *solicitation and evaluation guidelines on its Internet Web site at*
19 *least 30 days before the public meetings. One meeting shall be*
20 *conducted at a location in northern California and one meeting*
21 *shall be conducted at a location in southern California. Upon*
22 *adoption, each state agency shall transmit copies of the guidelines*
23 *to the fiscal committees and the appropriate policy committees of*
24 *the Legislature. To the extent feasible, each state agency shall*
25 *provide outreach to disadvantaged communities to promote access*
26 *and participation in those meetings.*

27 *(3) (A) Subject to subparagraph (B), the guidelines may*
28 *include a requirement for matching funds.*

29 *(B) A state agency may not require matching funds for the*
30 *purposes of awarding a grant financed by this division to assist a*
31 *disadvantaged community, except as follows:*

32 *(i) For the purposes of awarding a grant pursuant to*
33 *subdivision (a) of Section 79545, the department shall impose*
34 *matching fund requirements in accordance with subdivision (a) of*
35 *Section 79545.*

36 *(ii) For the purposes of awarding a grant subject to Section*
37 *79564, the board shall impose matching fund requirements in*
38 *accordance with subdivision (b) of Section 79564.*

39 *(b) Notwithstanding subdivision (a), a state agency, in lieu of*
40 *adopting guidelines pursuant to subdivision (a), may use*

1 guidelines existing on January 1, 2004, to the extent those
2 guidelines conform to the applicable requirements of this division.

3 SEC. 73. Section 79506.7 is added to the Water Code, to read:

4 79506.7. State agencies that are authorized to award loans or
5 grants financed by this division shall provide technical assistance
6 with regard to the preparation of the applications for those loans
7 or grants in a manner that, among other things, addresses the
8 needs of economically disadvantaged communities.

9 SEC. 74. Section 79522 is added to the Water Code, to read:

10 79522. (a) Funds made available pursuant to Section 79520
11 shall be appropriated to the State Department of Health Services
12 to carry out this chapter consistent with the requirements and for
13 the purposes specified in Section 79520.

14 (b) In the development of priorities for expenditure of the funds
15 appropriated for the purposes of this section, the State Department
16 of Health Services shall consult with the Office of Emergency
17 Services, the state Office of Homeland Security and local water
18 agencies to develop criteria for the department's programs.

19 (c) Funds allocated pursuant to this section shall not be
20 available for grants that reimburse project costs incurred prior to
21 the adoption of criteria for the grants provided in this section.

22 (d) No grant funds may be awarded to supplant funding for the
23 routine responsibilities or obligations of any state, local, or
24 regional drinking water system.

25 SEC. 75 Section 79532 is added to the Water Code, to read:

26 79532. (a) Funds made available pursuant to subdivision (b)
27 of Section 79530 shall be administered in accordance with this
28 section.

29 (b) (1) Grant funds appropriated for the purposes of
30 subdivision (b) of Section 79530 shall be awarded on a competitive
31 basis.

32 (2) The department shall consolidate the application process
33 required to implement the grant program described in this section.

34 (c) For the purposes of this chapter, "Southern California
35 water agencies" means water agencies whose service area is
36 entirely or partly in one or more of the following counties: San
37 Diego, Imperial, Riverside, Orange, Los Angeles, San
38 Bernardino, Santa Barbara, or Ventura.

1 (d) Grants may be awarded to Southern California water
2 agencies for eligible projects undertaken by one or more Southern
3 California water agencies and other entities.

4 (e) A project funded by a grant made pursuant to subdivision
5 (b) of Section 79530 shall meet both of the following requirements:

6 (1) The project will assist the grantee to meet safe drinking
7 water standards.

8 (2) The project will assist in meeting the state's commitment to
9 reduce Colorado River water use to 4.4 million acre-feet per year.

10 (f) In the development of criteria for the grants awarded
11 pursuant to this section, the State Department of Health Services
12 shall consult with the Office of Environmental Health Hazard
13 Assessment for the purposes of developing a program that gives
14 priority to projects that reduce public and environmental exposure
15 to contaminants that pose the most significant health risks, and
16 that will bring water systems into compliance with safe drinking
17 water standards. These include, but are not limited to, projects that
18 address public exposure to contaminants for which safe drinking
19 water standards have been established, including arsenic,
20 disinfection by products and uranium. Projects to address
21 emerging contaminants, including perchlorate, chromium 6, and
22 endocrine disrupters shall also be given priority.

23 SEC. 76. Section 79534 is added to the Water Code, to read:
24 79534. (a) Funds made available pursuant to paragraph (1),
25 (2), (3), (4), or (5) of subdivision (a) of Section 79530, and not for
26 the purposes of subdivision (b) of that section, shall be
27 administered in accordance with this section.

28 (b) (1) Grants shall be awarded in accordance with
29 subdivision (a) of Section 79530 on a statewide competitive basis.

30 (2) A project that is eligible for funding for the purposes of
31 subdivision (b) of Section 79530 is not eligible for a grant subject
32 to this section.

33 (c) For the purposes of this chapter, "small community" means
34 a municipality with a population of 3,300 persons or fewer, or
35 1,000 connections or fewer.

36 (d) The State Department of Health Services shall consolidate
37 the application process required to implement the grant program
38 described in this section.

39 (e) In the development of criteria for the grants awarded under
40 this section, the State Department of Health Services shall consult

1 with the Office of Environmental Health Hazard Assessment for
2 the purpose of developing a program that gives priority to projects
3 that pose the most significant health risks, and that will bring
4 water systems into compliance with safe drinking water standards.
5 These include, but are not limited to, projects that address public
6 exposure to contaminants for which safe drinking water standards
7 have been established, including arsenic, disinfection byproducts
8 and uranium. Projects to address emerging contaminants,
9 including perchlorate, chromium 6, and endocrine disrupters shall
10 also be given priority.

11 (f) Grants awarded pursuant to this section may not exceed ten
12 million dollars (\$10,000,000) for any one project.

13 SEC. 77. Section 79540.1 is added to the Water Code, to read:
14 79540.1. (a) Grants shall be awarded in accordance with
15 Section 79540 on a statewide competitive basis.

16 (b) To the extent funds appropriated pursuant to Section 79540
17 are expended for the purposes of programs established under
18 Division 20.4 (commencing with Section 30901) of the Public
19 Resources Code, those funds shall comply with the requirements
20 of that division.

21 SEC. 78. Section 79547 is added to the Water Code, to read:
22 79547. (a) Funds made available pursuant to Section 79545
23 shall be administered in accordance with this section.

24 (b) Grants shall be awarded in accordance with Section 79545
25 on a statewide competitive basis.

26 SEC. 79. Section 79547.2 is added to the Water Code, to read:
27 79547.2. (a) For the purposes of implementing subdivision
28 (a) of Section 79545, eligible projects shall be selected based on
29 demonstrated need for new or alternative water supplies, project
30 readiness, and the degree to which the project avoids or mitigates
31 adverse environmental impacts. Preference shall be given to
32 eligible projects that incorporate ecosystem restoration and water
33 quality benefits.

34 (b) A grant made pursuant to subdivision (a) of Section 79545
35 may not exceed five million dollars (\$5,000,000).

36 (c) For the purposes of this section, "desalination project"
37 includes construction, planning, engineering, design,
38 environmental assessments, or related work necessary for the
39 construction of a desalination facility, or the construction of a pilot
40 or demonstration facility.

SEC. 80. Section 79555 is added to the Water Code, to read:
 79555. (a) For the 2004–05 fiscal year, and each fiscal year thereafter, not less than 50 percent of the funds made available pursuant to subdivision (d) of Section 79550 for acquisition of water for the CALFED environmental water account shall be expended for long-term water purchase contracts, permanent water rights, and associated costs.

(b) The California Bay-Delta Authority shall report annually to the Legislature on the state’s efforts in acquiring long-term purchase contracts and permanent water rights in accordance with this section.

SEC. 81. Section 79560.5 is added to the Water Code, to read:

79560.5. For the purposes of carrying out this chapter, the department and the board shall jointly develop project solicitation and evaluation guidelines. Before developing the solicitation and evaluation guidelines, the department and the board shall jointly conduct a public meeting to receive public comments on the scope, procedures, and content of the guidelines. Considering the public comments, the department and the board shall jointly develop solicitation and evaluation guidelines that are consistent with law and state programs and policies. The department and the board shall post the solicitation and evaluation guidelines on their respective Internet Web sites.

SEC. 82. Section 79562.5 is added to the Water Code, to read:

79562.5. (a) For the purposes of carrying out Section 79560, the department shall award grants to eligible projects consistent with an adopted integrated regional water management plan.

(b) For purposes of subdivision (a), the department shall establish standards for integrated regional water management plans. At a minimum, these plans shall address the major water related objectives and conflicts of the watersheds in the region covered by the plan, including water supply, groundwater management, ecosystem restoration, and water quality elements, and may include other elements consistent with this chapter.

(c) The department may waive the requirement for consistency with an adopted integrated regional water management plan until January 1, 2007, if the applicant is engaged in the development of an integrated regional water management plan and indicates, within its grant application, how the project fits into achieving the integrated regional water management plan objectives.

1 (d) The department may waive the matching fund requirement
2 for disadvantaged communities.

3 (e) For groundwater management and recharge projects and
4 for projects with potential groundwater impacts, the board and the
5 department shall give preference to eligible projects in areas
6 subject to a groundwater management plan that meets the
7 requirements of Section 10753.7, or that includes the development
8 of a groundwater management plan as a project component.

9 (f) The maximum award for any single grant pursuant to this
10 section may not exceed fifty million dollars (\$50,000,000).

11 (g) The department shall require that eligible projects include
12 a nonstate contribution.

13 (h) For the purposes of implementing Section 79563, and to the
14 extent funds are expended for the purposes of Section 30947 of the
15 Public Resources Code, those funds shall comply with the
16 requirements of that section.

17 SEC. 83. Section 79564.1 is added to the Water Code, to read:

18 79564.1. (a) Of the funds made available by Section 79560,
19 not less than 40 percent shall be available for eligible projects in
20 northern California and not less than 40 percent be available for
21 eligible projects in southern California, subject to a determination
22 by the administering agency that each project meets all of the
23 requirements of this chapter.

24 (b) For the purposes of this section, “southern California”
25 means the Counties of San Diego, Imperial, Riverside, Orange,
26 Los Angeles, Santa Barbara, San Bernardino, and Ventura.

27 (c) For the purposes of this section, “northern California”
28 means all California counties except those identified in
29 subdivision (b).

30 SEC. 84. Chapter 10.5 (commencing with Section 79575) is
31 added to Division 26.5 of the Water Code, to read:

32
33 CHAPTER 10.5. REPORTING
34

35 79575. Not later than January 1, 2005, and on or before
36 January 1 of each year thereafter, each state agency expending
37 funds pursuant to this division for projects, grants, or loans shall
38 report to the Legislature on the recipient and amount of each
39 project, grant, or loan awarded under this division during the
40 previous fiscal year. The information shall include the total

1 amount awarded, categorized by project, grant, or loan, the
2 geographic distribution of projects, grants, or loans awarded
3 under this division, and the intended public and environmental
4 benefit that the awards provide. The information shall also include
5 data on the balances of funds available under this division for
6 expenditures and grants in that fiscal year and future fiscal years.

7 SEC. 85. Section 79590 is added to the Water Code, to read:

8 79590. Pursuant to Chapter 4 (commencing with Section
9 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
10 the cost of bond issuance shall be paid out of the bond proceeds.
11 These costs shall be shared proportionally by each program
12 funded under this division. Actual costs incurred in connection
13 with administering programs authorized under the categories
14 specified in this division shall be paid by the funds authorized for
15 those purposes by this division.

16 SEC. 86. All funds in the Strong-Motion Instrumentation
17 Special Fund shall be transferred to the Strong-Motion
18 Instrumentation and Seismic Hazards Mapping Fund. Those funds
19 are subject to all encumbrances on the funds made prior to July 1,
20 2004, and to all legal restrictions on their use other than by state
21 statute.

22 SEC. 87. The provisions of Sections 45 to 49, inclusive, of this
23 act shall become operative July 1, 2004.

24 SEC. 88. No reimbursement is required by this act pursuant
25 to Section 6 of Article XIII B of the California Constitution
26 because the only costs that may be incurred by a local agency or
27 school district will be incurred because this act creates a new crime
28 or infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.